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COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Third report of States parties

FRANCE*

* For the initial report submitted by the Government of France, see CEDAW/C/5/Add.33, considered by the Committee at its sixth session. For the second periodic report submitted by the Government of France, see CEDAW/C/FRA/2 and CEDAW/C/FRA/2/Rev.1, considered by the Committee at its twelfth session.

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INTRODUCTION

Since January 1993, the date of submission of the previous report of France to the Committee on the Elimination of Discrimination against Women, the French Government has initiated a number of reforms intended to ensure that full equality between men and women is achieved.

Equality between men and women before the law is established in law and accepted as a principle of constitutional significance. These principles have been supplemented by the new provisions on equality between women and men contained in the Treaty of Amsterdam, which amends the Treaty on European Union and the Treaty establishing the European Community. France ratified the Treaty of Amsterdam on 23 March 1999, and the new provisions were integrated into its national legislation with the entry into force of the Treaty on 1 May 1999.

Equality between men and women is now one of the Community's general objectives under article 2 of the Treaty establishing the European Community, and must be taken into account in all Community policy (art. 3). A general clause relating to non-discrimination has been included in article 13, and the provisions on equality of treatment between women and men in the labour market and at work have been strengthened (art. 137); in particular, article 141 now includes the concept of work of equal value, and allows for the possibility of adopting "measures providing for specific advantages in order to make it easier for the underrepresented sex to pursue a professional activity or to prevent or compensate for disadvantages in professional careers".

The Government regards sexual equality as one of the main elements in the renewal of French public life. On 28 June 1999 it carried out a reform of the constitution so as to ensure that men and women have equal access to electoral mandates and elective posts. Several institutions vital to an integrated policy on equality were modernized and strengthened, such as the Monitoring Commission on Gender Parity and the Interministerial Committee on Women's Rights.

In addition to such institutional changes, the Government has announced its intention to institute an active policy on gender equality.

A national action plan comprising a governmental platform on equality was submitted to the Council of Ministers on 23 June 1999. The platform includes 25 activities covering every aspect of governmental involvement, grouped into three main areas of priority. Their effective implementation is underpinned by a continuous partnership between communities, labour and management and the authorities.

The first area of priority concerns professional equality, for which the national action plan for employment is the coordinating mechanism. Its main concerns are the broadening of women's professional options, improving access to employment through anti-exclusion legislation, and achieving greater harmonization between work and family life.

The second area of priority concerns equal access to decision-making posts in the political, economic and social spheres. The European Plan of Action

submitted to the European Ministerial Conference in April 1999 will provide the basis for initiatives to be taken in political life, the civil service, and the economic and social sectors.

The third and final area of priority concerns specific women's rights based on the consolidation of gains. In addition to the question of equal status, the concern here is to strengthen women's independence and freedom in society by tackling sexual violence and strengthening their right to take responsible decisions concerning their sexuality and child bearing. Decisions have been taken to improve the availability of information and institute wide-scale distribution of the safest and most modern means of contraception. Voluntary termination of pregnancy, which has been recognized as a right since 1975, is to be discussed with the relevant interest groups with a view to improving access.

In a wider context, the Interministerial Committee on Women's Rights administers a "Pluriannual programme on equal opportunities between women and men" that addresses all areas of public activity where equal opportunities issues arise, examples being urban policy, women in the rural environment, and artistic life.

This comprehensive approach to equality is intended to achieve a more balanced society based on respect for both women and men - two inseparable parts of humanity.

PART ONE

THE NATIONAL CONTEXT

1. RECENT LEGAL DEVELOPMENTS

Since the submission of the last report to the Committee, the following legislative changes have been introduced in order to strengthen sexual equality or guarantee women's independence:

- Law of 8 January 1993 concerning civil status, the family and children's rights, and instituting the judge on family matters;

- Law of 27 January 1993 on various social measures relating to the protection of maternity for a trial period, and replacing the 1992 directive on maternity leave;

- Law of 11 May 1998 concerning the entry and residence of foreigners in France and the right of asylum;

- Law of 25 July 1994 concerning the family;

- Law of 29 July 1994 concerning respect for the human body;

- Law of 29 July 1994 on donation and use of human body parts and products, medical assistance for reproduction, and prenatal diagnosis;

- Law of 8 February 1995 concerning the organization of the courts and civil, criminal and administrative procedure. The implementing decree for this law (dating from 22 July 1996) introduced a section VI (a) on mediation into the new Code of Civil Procedure;

- Law of 5 July 1996 on adoption;

- Law of 17 June 1998 on the prevention and punishment of sexual offences and the protection of minors;

- Treaty of Amsterdam on the European Union, ratified by France on 23 March 1999, which entered into force on 1 May 1999;

- Constitutional Law No. 99-569 of 8 July 1999 on gender equality.

2. NATIONAL MACHINERY

Since the fourth World Conference on Women, new advisory and decision-making bodies have been set up to improve on the work of the institutional machinery concerned with sexual equality which was described in the previous report.

The Department of Women's Rights[1] of the Ministry of Employment and Solidarity is the main ad hoc administrative body responsible for monitoring the machinery concerned with gender equality and anti-discrimination measures. The Department has a central administration and offices in every department and region, employing 200 staff.

In November 1998, the Government reaffirmed its political intent by appointing Nicole Pery as Secretary of State for Women's Rights and Vocational Training.[2]

In 1995, the Monitoring Commission on Gender Parity[3] was established as an adjunct to the Prime Minister's Office.

The Commission, comprising outstanding individuals "selected for their abilities and experience", has both investigative and advisory functions. It is charged with "gathering data, commissioning and producing analyses, studies and research on women's situation at the national and international levels", and also with "informing the decision-making of the authorities and main political, social and economic interest groups" and "making recommendations and proposals for legislative and regulatory reform".

The Commission may also express opinions on draft legislation and regulations.

Following a decree of 14 October 1998 amending the decree establishing the Commission, the scope of its work has been enlarged.[4]

Lastly, since 1996 an advisory body offering expertise in sexual information and reproduction has been placed under the joint responsibility of the ministers responsible for women's rights, the family and health.

This body is called the Higher Council for Sexual Information, Birth Control and Family Education (CSIS). It is a joint organization in two parts, one drawn from associations and organizations operating in the sectors concerned, and the other made up of representatives of governmental departments and appropriately qualified individuals. The CSIS proposes measures for the authorities to take in the following areas:

- informing young people and adults on issues relating to family and sex education, birth control, adoption and couples' responsibilities;

- promoting sex education for young people while respecting parental rights;

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[1] See organizational chart (annex).
[2] Decree appointing Nicole Pery.
[3] cf. Decree No. 95-1114 of 18 October 1995.
[4] Decrees of 25 January 1999 concerning appointments to the Monitoring Commission on Gender Parity.

- supporting and promoting the training and further training of qualified educational staff in the areas concerned.

PART TWO

CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

ARTICLES 1-3

(Promotion of women)

To demonstrate its determination to bring about true gender equality, the French Government organized a European Ministerial Conference on equal participation in decision-making by women and men, from 15 to 17 April 1999.

The conference, entitled "Women and men in power", was held at the invitation of Martine Aubry, Minister for Employment and Solidarity, Pierre Moscovici, Minister with special responsibility for European Affairs, and Nicole Pery, Secretary of State for Women's Rights and Vocational Training, with support from the European Commission. There were almost 400 participants representing three subject areas of decision-making: political; economic and vocational; and trade unions and associations.

The ministers from European Union member States who were present adopted a formal declaration[5] aimed at encouraging equal power-sharing among women and men as a means of achieving a more effective economy, greater interdependence in society, and policies better suited to the needs of the whole population.

During the conference, "French proposals for an action plan" were presented.[6] The plan has seven parts: to determine an overall strategy on activities and an approach to partnership; to establish a statistical mechanism; to influence the way women are perceived in society; to revitalize democracy; to strengthen economic and social progress; and to enhance the quality of social dialogue.

The President of France emphasized "the need for the interests of both sexes to be placed firmly at the heart of our democracies". He acknowledged that the modernization of French public life could not be left to occur spontaneously, and that specific measures would be needed "which will be discontinued once France has made good the time it has lost".

The Prime Minister advocated the adoption of an overall approach covering every walk of life and drawing its strength from within society. He announced a national action plan on equal opportunities intended to bring together into a single strategy on equality all the measures already adopted or envisaged in the Paris Declaration.

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[5] Paris Declaration.
[6] French proposal for a plan of action.

Thus, by holding a European ministerial conference on equal participation in decision-making at which it made powerful declarations of intent, France's dual executive of President and Prime Minister showed its determination to translate political commitments into legislative and regulatory form.

This is the context of the constitutional reform concerning gender equality.

Articles 1-3 became established in French law as part of the new Penal Code which entered into force on 1 March 1994, under its articles 225.1 et seq. (see annex).

ARTICLE 4

(Temporary measures to accelerate equality between men and women)

Positive measures on employment

To date, the temporary measures introduced by the French authorities to accelerate gender equality have concerned employment and professional equality, the most significant being the "devices" contained in the so-called professional equality law of 13 July 1983.

These devices - plans for professional equality, professional equality contracts and mixed employment contracts - have continued to develop in recent years.

Mixed employment contracts

This comprises specific State assistance whose purpose is to promote job diversification for women and to encourage their appointment to jobs and occupations where hitherto they have not been strongly represented. The contracts are personalized, each one concerning a woman designated by name. However, several contracts can be signed at a single enterprise.

Since the measure was introduced in 1987, some 1,500 contracts have been signed across all regions. As the measure has become more widespread, it has retained its characteristic of attracting signatory enterprises from a wide variety of economic sectors.

The heads of these enterprises have implemented the measure in two main ways: "individual" application, in which a woman is recruited or promoted by an enterprise whose overall programme involves a large number of highly fragmented economic activities, and "bulk" application (large numbers of contracts), a method used frequently by large production concerns having to adapt their workforce to technological change. Such redeployments also affect salaried employees with low qualifications, who are very often women. Rather than dismiss them, some enterprises are adopting proactive strategies of developing the women's skills in order to involve them in the process of change.

In that specific context, mixed employment contracts offer enterprises particularly appropriate assistance.

To date, 90 per cent of the women who have signed mixed employment contracts are manual workers. The measure only rarely concerns female office workers and technicians, and hardly ever managerial staff.

In the majority of cases, mixed employment contracts are used to fund training. Assistance for physical alterations is much less common. Nevertheless, such a highly specific use of the measure can prove very useful, for example by removing physical obstacles preventing women from gaining promotion in jobs where physical strength is normally required (development of lifting systems, etc.).

The impact of mixed employment contracts differs from one enterprise to another. They can often be the decisive factor in finding solutions to job-related disputes when used as an addition to the regular legal means.

Plans for professional equality

Since 1983, 33 plans have been signed.

The two most recent ones place emphasis on upgrading the skills of female staff.

A coffee merchant in the small/medium category, with 320 salaried employees, signed a plan on 19 February 1996 providing for:

- long-term training (340 hours) for female workers (20 in all) enabling them, over two years, to perform every job in their sector, resulting in a new qualification;

- training for 17 women in administrative jobs enabling them to perform jobs on the commercial side with, for 13 of them, progression from the administrative employee category to the supervisor category in the capacity of commercial technician;

- alterations to the production lines in the packaging section enabling women to perform heavy-duty tasks.

At a textile firm with 880 salaried employees, 61 per cent of them women, the professional equality plan is used to provide female manual workers, office staff, technicians and supervisors with the theoretical and practical knowledge to follow an individualized training package, which will ultimately enable them to occupy higher-level posts.

In October 1997, a new professional equality plan was signed with an enterprise that makes packaging for the agri-food industry, 232 of whose employees are women (34 per cent). The agreement covers training and advancement together with measures relevant to their working conditions.

Training/advancement:

The aim of the professional equality plan is to enable the female staff of the thermal packaging section to take skilled jobs. The plan covers:

- retraining of 60 women;
- training that qualifies the 60 women to operate a manual production line independently;
- training for 36 women in the operation and maintenance of a semi-automatic production line;
- training enabling the women to operate an automatic production line independently.

The professional equality plan will be monitored by a steering committee consisting of trainers and staff.

Working conditions:

In parallel with the training, action is being taken to improve working conditions on the production lines in the packaging workshop.

This plan receives State assistance under a professional equality contract.

Affirmative action in politics

With regard to women's access to posts of political, professional or social responsibility, Constitutional Law No. 99-569 of 8 July 1999 on gender equality confirms the draft constitutional reform.

This constitutional law permits measures to promote equality of access to public life.

To achieve this, it was necessary to amend the part of the Constitution of 4 October 1958 that provided the basis for the Constitutional Council's decision of 18 November 1982 proscribing the use of affirmative action.

The two Assemblies having adopted the same text, the constitutional revision was endorsed by vote of Parliament, meeting as Congress, at the initiative of the President of the Republic, on 28 June 1999.

The text of the constitutional law adopted by the deputies was as follows:

Article 1: To article 3 of the Constitution is added: "The law shall foster equal access by women and men to electoral mandates and elective posts."

Article 2: To article 4 of the Constitution concerning political parties is added a paragraph that reads: "They shall contribute to the implementation of the principle set forth in the last paragraph of article 3 under conditions determined by law."

Thus, in future it will be legally possible to take affirmative action in spheres other than employment and professional equality.

ARTICLE 5

(Elimination of stereotypes)

(Reservation of France:

The Government of the French Republic states that article 5 (b) and article 16.1 (d) of the Convention should not be interpreted as implying the joint exercise of parental authority in situations where French legislation recognizes one parent only as having such authority.)

(a) 1. Socio-cultural patterns and models

The persistence in school textbooks of stereotypes of women's and men's roles has been a central concern of the authorities in the past two years.

In March 1997, a report[7] on the depiction of women and men in schoolbooks was sent to the Prime Minister. Its conclusions revealed that, despite the efforts made since the early 1980s leading to the elimination of the crudest stereotypes, many other sexual stereotypes still existed. They now took a more subtle form, making them harder to detect.

Emphasis was placed on the need to introduce guidance on textbook selection into the initial and further training of education staff, with particular reference to the identification of stereotypes and to equal opportunity issues.

A Europe-wide association has carried out research on the illustrated texts used with children aged nine years and under. It recorded the level of sexism by reviewing the research and by analysing the texts and images in almost every new schoolbook produced in France in 1994.

Sexism is omnipresent in these books. To date, this is a largely unresearched field.

The goal is to devise a programme for eliminating sexism from educational material, promote non-sexist images in education and distribute tools that raise awareness of these issues.

Sexist stereotypes are also conveyed by certain mass media, particularly through advertising.

New regulations have been adopted in this connection.

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[7] Simone Rignault, Philippe Richert, "The representation of women and men in schoolbooks", Documentation Française, 1997.

Under the terms of article 4 of the decree of 27 March 1992, television advertising must be free of all discrimination based on sex.

Aware of the need to promote feminized names of occupations, ranks and titles, the Prime Minister has entrusted Mr. Cerquilini, Director of the National Institute for the French Language, with the task of producing a draft users' guide, which will be published in May 1999.

He also requested Mr. De Broglie, President of the General Committee on Terminology and Neologisms, to analyse past usage in France and current usage in other French-speaking countries with regard to the feminization of job titles.

A Prime Minister's circular and ministerial circulars will be issued giving the feminine forms of the occupations, ranks and jobs in each ministry.

(a) 2. Action aimed at young people: youth councils that come within the scope of the parity objective

A dialogue has been initiated with young men and women by the Ministry of Youth and Sports.

Several forums have been held, particularly on International Women's Day. The discussions highlighted refusal to accept anything constituting discrimination, rejection and racism. They also revealed the extent of the suffering of young people living in precarious circumstances.

One word that kept recurring was "recognition": recognizing young people for what they are and what they want do. Nowadays, it would appear that the path to achieving such recognition is much steeper for girls than for boys.

During the current major debate on parity, it is vitally important for girls to be able to express their views on their situation. The dialogue with them has begun, and is being conducted mainly by the youth councils set up by the Minister early in 1998.

These councils are advisory bodies at national and departmental levels intended to involve young people in decision-making. Those at national level in particular have working committees dealing with issues of equality and male-female parity.

This topic will be an integral part of the festival of citizenship being prepared by young people for the first quarter of 2000.

(b) Family education and the joint responsibility of men and women for child-rearing

The legal regulations governing parental authority and filiation in the context of "anonymous confinement" were amended by Law No. 93.22 of 8 January 1993 on civil status, the family and the rights of the child, which amends the Civil Code, and they now confirm the principle of equality between women and men.

Concerning parental authority, the law of 8 January 1993 establishes the principle of joint exercise of parental authority, both for families in which the parents are married and for natural families. This regulation is contained in article 372 of the Civil Code, on equal terms with the regulations relating to the exercise of parental authority in marriage.

However, the exercise of parental authority in the natural family is subject to a twofold condition: firstly, both parents must recognize the child in the year of his birth, and secondly, the parents must be living together at the time of the joint recognition or second recognition (art. 372 of the Civil Code).

Article 374 of the Civil Code sets out the regulations applicable to natural filiation.

Parental authority in respect of a natural child may be exercised by a parent who is the only one to recognize the child, or by the mother when both parents have recognized the child, but outside the terms of article 372.

However, even in that case, there may be joint exercise of authority if the parents make a joint declaration before the senior registrar of the Regional Court. Finally, the judge for family affairs may, in all cases, amend the conditions affecting the exercise of parental authority over a natural child at the request of the mother, the father or the public prosecutor (art. 374 of the Civil Code).

One objective of the law of 8 January 1993 was to bring French law into line with the International Convention on the Rights of the Child. From that perspective, the right of the child to be raised by both parents has been reaffirmed, whatever the future of the couple, as has the child's right to be heard in all proceedings that concern him.

With regard to divorce and separation, if the father and mother are divorced or separated, parental authority is exercised jointly by both parents.

The law favours parental agreements with regard to residence and asks parents to provide any comment concerning the method of exercising parental authority (art. 287 of the Civil Code).

However, if there is no amicable agreement or if he/she finds such an agreement contrary to the child's interest, the judge for family affairs may designate the parent with whom the children must normally reside. The judge may also, if it is in the child's interest, entrust the exercise of parental authority to one of the parents (art. 288 of the Civil Code).

In the case of joint exercise of parental authority, the parent with whom a child does not normally reside must help support the child and contribute to his education, in proportion to the means of both parents (art. 288 of the Civil Code).

Lastly, the principle of hearing a child in court was introduced by the law of 8 January 1993. Under the terms of the resulting article 388-1 of the Civil

Code, a minor capable of understanding may be heard, in any proceedings that concern him, by a judge or by any person the judge may appoint for that purpose. However, such a hearing does not make the child a party to the proceedings.

As to divorce, article 290 (para. 3) provides that the judge must take into account "the feelings expressed by minor children under the conditions stated in article 388-1".

With regard to filiation, Law No. 93-22 of 8 January 1993 amending the Civil Code relating to civil status, the family and the rights of the child and instituting the judge for family affairs also introduces a new article 314-1 to the Civil Code concerning anonymous confinement.

By allowing a mother, during her confinement, to request that her admission to hospital and her identity be kept secret, article 341-1 makes anonymous confinement, which was already in article 47 of the family and social assistance code, grounds for dismissing an action to establish maternity (cf. Art. 16, para. on adoption).

Changes to the rules affecting anonymous confinement are currently under consideration, with a view to reconciling this right of women in extreme distress with the child's right to know his origins.

ARTICLE 6

(Prostitution and traffic in women)

1. Penalties

France has been a party to the 1949 United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Other Persons since 1960.

In accordance with this Convention, to which France reaffirms its continued attachment, prostitution is not punishable by law. Punishment applies only in the case of conspicuous prostitution that disturbs law and order.

The provisions of the new Penal Code, which entered into force on 1 March 1994, relating to procuring and similar offences establishes much stiffer punishment for procuring (increased penalties and broader coverage).

Thus, simple procuring, as defined in article 225-1 (assisting the prostitution of other persons, profiting from the same, corrupting a person for the purpose of prostitution), is punishable by five years in prison and a fine of 1 million francs (instead of 3 years and 500,000 francs previously).

Identical punishments apply to the types of behaviour described in article 225-6 as procuring by assimilation (habitual relations with prostitutes without being able to justify one's lifestyle, intermediary between prostitute and procurer, obstruction of measures to combat prostitution). This means the disappearance of procuring through cohabitation alone.

Article 225-7 retains the notions of aggravated procuring envisaged under the repealed Penal Code, maintains the prison term applicable (10 years with automatic period of unconditional confinement) and increases the fine from 1 million to 10 million francs.

In addition, a new aggravating circumstance is now admissible on grounds of the particular vulnerability of a person engaged in prostitution.

The cases of procuring in hotels described in article 225-1 are now punishable by 10 years imprisonment (with automatic period of unconditional confinement) and a fine of 5 million francs.

Articles 225-8 and 225-9 provide for two new offences of a criminal nature: procuring as part of an organized group is punishable by 20 years imprisonment (with automatic period of unconditional confinement) and a fine of 20 million francs; procuring accompanied by torture or barbaric acts is punishable by life imprisonment (with automatic period of unconditional confinement) and a fine of 30 million francs.

Article 225-21 introduces new additional penalties in the form of temporary or permanent exclusion from French territory.

Provision is also made (art. 225-12) in respect of legal persons' responsibility for acts of procuring. The penalties are a fine (the maximum is equivalent to five times that applicable to physical persons), as well as deterrent punishments such as winding-up, confiscation of funds and temporary or permanent closure.

The prohibition on soliciting remains. Article R.625-8 of the Penal Code punishes the soliciting of other persons in public, by whatever means, for the purpose of engaging them in sexual relations. A fine of up to 10,000 francs is applicable, together with additional penalties.

These changes in criminal law demonstrate Parliament's determination not to relax its efforts against procurers. This is reflected in the action being taken by the Criminal Investigation Department and the constabulary.

The Criminal Investigation Department has three units specializing in the control of procuring. These are the Central Office for the Prevention of Trafficking in Persons, the Anti-Procuring Branch under the Regional Directorate of the Paris Criminal Police Department, and the Anti-Procuring Branch of the Criminal Investigation Regional Service in Marseilles (13), the total number of officers being 90.

Moreover, the control of procuring is one of the tasks assigned to the crime squads of regional criminal investigation offices.

As far as public safety is concerned there are units specially trained to deal with procuring.

The National Constabulary (Gendarmerie Nationale) assists in gathering relevant information and cases are handled by research sections or teams.

About 500 people are arrested each year for all types of procuring combined (direct, indirect aiding and abetting, in hotels, at other properties, personal liaisons, massage parlours, and others).

RECORDED ACTS OF PROCURING

1992	786
1993	679
1994	627
1995	533
1996	474
1997	409
1998	474

In 1998, 16 international procuring networks were broken up. Almost 21 per cent of the individuals involved had used duress or blatant force.

The proportion of women involved was 26 per cent (23 per cent in 1997 and 19.5 per cent in 1996).

The year 1998 provided confirmation of the links between procuring, prostitution and drugs previously noted in 1996 and 1997.

There are no statistics on prostitution being practised freely, except for soliciting offences on a public highway.

In the absence of any monitoring, the number of prostitutes in France, based on observation, is estimated to be between 15,000 and 20,000, including 7,000 in Paris.

The experts believe that the number of prostitutes remains fairly stable, but that the population is renewed frequently by as many as 2,000 new arrivals a year, most of them occasional prostitutes who do it for economic reasons. The number of foreign prostitutes, particularly from countries in the East, is increasing.

Male prostitution is on the increase, and involves mostly young men aged between 17 and 25.

Regular prostitution involving minors (girls or boys) remains very marginal.

2. Prevention and reintegration

Alongside the penalties that constitute the first pillar of French policy for tackling sexual exploitation of women there is a second raft of activities, concerned with prevention and the reintegration of victims, which supplement the efforts of the authorities. This second category owes its existence to an active partnership with the non-profit sector.

In the areas of prevention, assistance for victims and reintegration of prostituted persons, national and local NGO's have done a great deal with State financial support.

New regulations facilitate local coordination of State services, given the fact that prostitution is a problem requiring social treatment (social assistance for prostituted persons, reception facilities, accommodation, social and vocational reintegration), and also address discrimination, violence and actions undermining human dignity.

Committees in the departments are responsible for reporting on the local situation concerning prostitution and for authorizing action in three areas:

- provision of assistance for prostituted persons;
- education and training of volunteers and professional staff;
- development of preventive and educational measures aimed at young people.

ARTICLE 7

(Political and public life)

1. Political life

The question of women's role in public life, and particularly their place in political decision-making, is a government priority. It is an integral part of the action to modernize democracy advocated by the Prime Minister.

Over the period covered by this report, women's participation in political life has progressed only slightly.

That advance is due mainly to the temporary incentive measures taken by some political parties in nominating election candidates.

At the most recent legislative elections held in June 1997, the proportion of women deputies increased from 5 to 10.9 per cent. However, women continue to represent no more than 5.9 per cent of senators.

At the local level, 21.7 per cent of municipal councillors are women, but only 7.6 per cent of mayors. Only one president of a General Council is a woman.

The main statistics on women's representation in political life are as follows:

National level

Parliament: Representation in National Assembly 10.9 per cent (63/577).

Bureau: Four out of 22 members (18.8 per cent) are women (one vice-president and 3 secretaries).

Standing committees: One woman is president of a committee (Committee on constitutional laws, legislation and general administration of the Republic), another is vice-president of the same Committee, 3 women are committee secretaries (cultural, family and social affairs; foreign affairs; national defence and the armed forces). There are no women at decision-making level in the committees on finance, general economy, planning and production, and trade.

Senate: Representation 5.6 per cent (18/321).

Bureau: One female secretary out of a total of 22 members (4.5 per cent).

Standing committees: No woman president of a committee, two women vice-presidents (social affairs and finance, budgetary monitoring and economic elements), and one female secretary (cultural affairs).

Government: Overall representation 32.1 per cent; ministers and ministers of state 37.5 per cent; and secretaries of State 27.2 per cent.

Portfolios held:

Ministers: Employment and Solidarity, Justice, Culture and Communication, National and Regional Development, Youth and Sports.

Ministers of State: Education in schools.

Secretaries of State: Small- and Medium-scale Enterprises, Tourism, Women's Rights and Vocational Training.

Regional level: Regional Councils 25.75 per cent, General Councils 7.9 per cent.

Local level: Municipal Councils 21.7 per cent, Mayors 7.5 per cent.

European level: 40.2 per cent of the French deputies in the European Parliament; six women out of the 24 French representatives in the Committee of the Regions (25 per cent).

2. Civil service

Although there is a majority of women in the State Civil Service, amounting to 55.9 per cent of staff in 1996 as against 50.4 per cent in 1982, they are virtually absent from the highest posts.

The most senior jobs, which are Government appointments, remain largely closed to women: in 1997, they represented only 6.6 per cent of incumbents.

The most spectacular progress has been made among category A staff, of whom 52.6 per cent were women in 1996 compared with 33 per cent in 1982. However, a closer look at the situation reveals a contrast within this category: in 1994

women represented 55 per cent of qualified schoolteachers, but only 28.1 per cent of professors in higher education and researchers.

Women have also made striking progress in areas such as the judiciary, where they represented 47.5 per cent of staff in June 1996 compared with 40.5 per cent in 1989. The feminization of the National School of the Judiciary is mainly due to the large number of young women studying law at university.

In the State agencies (State Council, Court of Accounts, General Inspectorate of Finances), the proportion of women is still low, despite an appreciable improvement that has seen the proportion of women more than double from 5.6 per cent in 1985 to 15.9 per cent in 1997.

The same applies at the head of department, assistant director and deputy director levels, where the number of women increased from 7 per cent in 1982 to 19.1 per cent in 1997. While this is an encouraging trend for the future, in that most of these women are young, it cannot be denied that women's presence in these posts is marginal.

Women in the civil service

National civil service (1996):

- Category A: 52.6 per cent
- Category B: 52.6 per cent
- Category C and D: 55.9 per cent.

Regional civil service (1996):

- 56 per cent of officials at communal level;
- 79.7 per cent of officials in Departmental General Councils;
- 41.6 per cent in associations under territorial authorities;
- 47.4 per cent in public sector housing offices;
- 39.3 per cent in public, industrial and commercial institutions;
- 7.6 per cent in departmental fire services.

Women in higher civil service posts

Posts of senior responsibility and at inspector-general level filled by Government appointment (1997):

- Directors in central administration: 7.7 per cent;
- Rectors: 12.9 per cent;
- Heads of missions with the rank of ambassador: 6.4 per cent;
- Prefects: 3.4 per cent;
- Proportion of posts of senior responsibility and inspector-general posts filled by Government appointment: 6.6 per cent.

Posts of senior responsibility and at inspector-general level - other higher posts (1997):

- State agencies: 15.9 per cent;
- Heads of department, assistant directors, deputy directors: 19.1 per cent;
- Inspectors-general, except Finance: 18.6 per cent;
- Chief treasurers: 3.1 per cent;
- Heads of locally based central government departments: 8.2 per cent;
- Presidents of regional chambers of accounts: none;
- Presidents of TA's and CAA's: 10.5 per cent;

Total: 12.7 per cent.

Total for senior civil service posts: 12 per cent

The particularly French phenomenon of the "grandes écoles", breeding ground for the senior civil service, seems better suited to male careers. Women are reluctant to take the competitive entrance examination, and prefer the universities.

Concerned at the imbalance in the composition of the civil service, in which women account for 56.9 per cent of staff but barely 6 per cent of the highest administrative posts, the Minister for the Civil Service, Mr. Emile Zuccarelli, requested Ms. Anne-Marie Colmou, legal advisor at the Council of State, to prepare a report on women in the senior civil service.

The report was submitted to the Minister in February 1999, and contains the following 17 proposals on improving the lot of women in the civil service:

1. Prepare more accurate statistics, particularly "by obliging territorial authorities to produce regular gender-specific statistics", with a view to gaining an overview of the situation.

2. Integrate the results of the research on the selection criteria used in recruiting senior managers for the Civil Service. A steering committee would be "charged with examining how best to use all relevant types of skills, especially those of women".

3. Evaluate the policy on coeducation in force since the 1970s.

4. Clarify women's status in the Civil Service statute, firstly by making clear that "equal access to all departments and jobs is guaranteed to all civil servants regardless of sex", and also by reviewing the existing provisions on sexual harassment.

5. Publicize careers in the senior Civil Service more widely.

6. Make it compulsory to increase the numbers of women on examination boards, but include provision for occasional exceptions.

7. Undertake research in order to "identify the glass ceilings for women's careers", and use the results to set targets for each ministry regarding parity.

8. Set targets for promotions based on selection and for appointments based on ability in situations that are unfavourable to women, as opposed to the anonymous entry procedures (competitive examination) for the Civil Service, which are otherwise described as "excellent".

9. Establish pools of potential female applicants, for example by compiling lists of women whose performance and skills make them suitable and who occupy posts leading to senior executive positions.

10. There is no need to amend the existing statutory texts.

11. Increase the numbers of women in joint bodies.

12. Improve training for staff who have to look after children at home (new technical baccalaureate with elements of paediatric nursing and educational psychology), thus helping to restore the balance of opportunities between the sexes by helping women deal more effectively with family responsibilities.

13. Experiment with part-time supervisory posts, and job sharing (two women each working 50 per cent) for posts of responsibility.

14. Promote changes in the organization of work and in working hours, with the aim of having senior management leave their desks by 7 p.m. and making meetings shorter and better focused.

15. No interministerial meetings should be held without a prior exchange of files and written comments, so as to avoid "fruitless confrontation".

16. Institute more progressive and personalized management of human resources.

17. Decompartmentalize operations in order to encourage mobility between different ministerial departments and between ministries.

3. Ongoing reforms

As one of the priorities in the process of modernizing democracy, the Constitution has been revised in order to promote women's participation in French political life.

This revision of the 1958 Constitution paves the way for the subsequent adoption of affirmative action to achieve the parity target, without risking invalidation by the Constitutional Council.

By its decision of 18 November 1982, the Constitutional Council held that quotas were contrary to the constitutional principles of equality and universality, which "... oppose any division into categories of electors or those standing for election ..." (CC 82146 of 18 November 1982).

The subject of that opinion was a bill that sought to establish quotas based on sex (not more than 75 per cent of persons of the same sex) for municipal elections.

The constitutional amendment will thus circumvent the existing legal obstacle.

Accordingly, as an addition to the existing article 3 of the Constitution, which reads:

"National sovereignty belongs to the people, which shall exercise this sovereignty through its representatives and by means of referendums.

No section of the people, nor any individual, may attribute to themselves or himself the exercise thereof.

Suffrage may be direct or indirect under the conditions stipulated by the Constitution. It shall always be universal, equal and secret.

All French citizens of both sexes who have reached their majority and who enjoy civil and political rights may vote under the conditions to be determined by law."

A third paragraph has been added:

"The law shall encourage equal access by women and men to electoral mandates and elective posts."

Article 4 of the Constitution concerning political parties has also been supplemented by a new paragraph that reads:

"They shall assist in implementing the principle set forth in the final paragraph of article 3 under conditions to be determined by law."

The temporary affirmative action which had hitherto been legally possible in France only in the sphere of employment, as a means of encouraging professional equality between men and women (law of 13 July 1983 on professional equality between women and men allowing equality contracts and plans for female staff), can henceforth be extended to the political sphere.

The constitutional revision will provide legal grounding for the selection of procedures for implementing the temporary affirmative action, in the spirit of article 4 of the Convention on the Elimination of All Forms of Discrimination against Women.

ARTICLE 8

(International representation)

While there is no legal discrimination preventing women from representing their Government at the international level or from participating in the work of international organizations, their participation is nonetheless extremely low.

Among French diplomats, the proportion of women in Category A and middle-level posts has improved noticeably, but their numbers are still low among the top grades.

By 1 June 1999, 11 out of 163 ambassadors and resident representatives were women (6.7 per cent). Women accounted for little more than 20 per cent of Category A officials in the Ministry for Foreign Affairs, with their highest concentrations in the lower grades (assistant secretary 28 per cent, assistant central administrator 42 per cent) in Category A.

In terms of jobs, the proportion of women in high-level posts, in Paris and elsewhere, continues to show an imbalance despite the rapid progress made in recent years.

Fourteen women head consular missions (as against 11 in 1997), of whom 10 enjoy the rank of consul-general (11.5 per cent) and 4 are consuls (26.7 per cent).

There are 28 women in senior posts in central administration (19.2 per cent), as against 26 in 1997. These posts break down as follows:

- 1 diplomatic advisor to the Government;
- 1 director (4.5 per cent);
- 1 head of department (10 per cent);
- 15 assistant directors or equivalent.

Representatives of France to international organizations

Female heads of French diplomatic missions to international organizations are even more scarce (2 women for 26 posts, i.e. 8 per cent).

Nonetheless, women are better represented at the intermediate levels (on committees, as independent experts on treaty committees, and in subsidiary bodies of the Economic and Social Council), (5 women for 31 posts, i.e. 18 per cent).

Also worth noting is the appointment of Ms. Marie-Therese Join-Lambert in June 1999 as France's representative to the International Labour Office (ILO).

The picture is slightly better, although patchy, when it comes to international civil servants.

The Ministry of Foreign Affairs encourages women to apply for posts in international organizations.

For example, 8 senior posts (D-1 and D-2) at the United Nations Organization in New York have French incumbents, 3 of them women. At United Nations Headquarters in New York, one of the four senior posts occupied by French nationals has a woman incumbent. At UNICEF and UNHCR the proportion of women among French nationals holding senior posts is identical (25 per cent). In NATO, however, there is not a single woman among the 67 French staff members.

ARTICLE 9

(Nationality)

The principle of equality between men and women concerning the acquisition, loss or retention of French nationality is upheld by Law No. 98-170 of 16 March 1998 amending the nationality law.

Acquisition of nationality is applicable to the majority as of right.

Any child born in France of foreign parents may acquire French nationality under two conditions:

- the child must be resident in France on that date;
- the child must have had his normal residence in France for a continuous or intermittent period of at least 5 years from age 11.

Acquisition may be brought forward, at the express wish of the individual:

- from age 13, by the minor himself, provided he fulfils the residence requirements described above;
- from age 15, by the minor's parents and with his consent, if he has lived in France since he was 8 years old.

Nationality may be declined. A young person born in France of foreign parents may decline French nationality provided he can demonstrate that he is a national of another country. He must do this between the ages of 17 and 19 (in this case, he shall be deemed never to have been French).

With regard to mixed marriage between a French national and a foreigner, and the issue, acquisition of nationality is also possible by declaration.

The period of two years from the date of the marriage is reduced to one year by the law of 16 March 1998. There is no waiting period if the couple have a child together before or after the marriage (art. 21-2 of the Civil Code).

However, it should be noted that the foreign spouse's habitual residence in France is one of the grounds for admissibility of a declaration conferring nationality by marriage.

ARTICLE 10

(Education)

1. Overall situation

A. General education

The enrolment of girls is the same as that of boys. However, there are significant differences between the courses taken by the two sexes. These different routes, despite the girls' success rate, lead to inequalities in terms of their integration into working life and their careers.

Looking at access to study as a whole, the number of girls enrolled exceeds the number of boys. For 1997-98, the proportion of girls in primary education was 49 per cent, with 50 per cent in the first cycle of secondary education and 55 per cent in the second cycle (general and technical). The proportion of girls in public sector universities in 1997-98 was 56 per cent.

In certain cases, girls' situation seems more favourable than that of boys. In 1998, for all subjects at baccalaureate level 197,147 girls sat the exams out of a total of 347,524 girls and boys (a level of 56.7 per cent). Girls accounted for 58.2 per cent of passes, thus attaining an overall success rate of 81.2 per cent as compared with the boys' rate of 76.5 per cent.

Almost 6 out of 10 pupils who passed the baccalaureate in 1998 were girls.

A breakdown by subject shows that girls mostly opted for arts subjects and economics.

Over the past 10 years there has been a discernible shift towards greater diversity in the occupations taken up by girls. However, progress is still slow and inconsistent.

(a) At baccalaureate level

For the 1997 session, the number of girls who took the Series L Baccalaureate (literature) was equivalent to 81.2 per cent of the total number of students, the number sitting Series ES (economics) was 60.3 per cent, and the number sitting Series S (science) was 41.6 per cent.

In 1998, the figures were 80.9 per cent for literature, 60 per cent for economics, 49.4 per cent for mathematics and natural sciences, and 33.6 per cent for mathematics and physical sciences.

The situation in respect of these three series is thus extremely stable.

(b) In the technical institutes

In 1997-98, girls accounted for 38.2 per cent of students in technical institutes (IUT's). The proportion was 18.6 per cent for special subjects in

the manufacturing sector, and 53.5 per cent for special subjects in the service sector.

Only 13.5 per cent of students taking computer science were girls.

The percentage of boys in service sector special subjects shows, by contrast with girls, that they do not hesitate to become involved in the vast majority of sectors.

(c) University

The following table shows the changing situation of young women studying in universities between the academic years 1980-81 and 1997-98.

	1980	1985	1997-98	Difference
Arts	72%		74.6%	+ 2.4%
Law		56.9%	61.6%	+ 4.7%
Health		50.4%	53.2%	+ 2.8%
Sciences	37%		35.1%	- 1.9%
STAPS (Sports science)	45%		33%	- 12.0%

In engineering science and technology, the proportion of girls was 21.7 per cent in 1998.

The main features are:

- a slight increase in the proportion of girls in law and health, which are areas they already dominate;
- a small decrease in sciences and a very sizeable drop in the field of sporting activities, continuing to the point where girls represent less than one third of the total number of students.

Overall distribution of students by cycle, 1997-98:

	Cycle 1	Cycle 2	Cycle 3	Overall
Girls	56.2%	58.5%	49.7%	56%
Boys	43.5%	41.6%	51.2%	44%

Girls predominate at university and in the first cycle, but the situation is reversed in the third cycle.

The difference becomes even more marked when theses are considered. Here, while 49.7 per cent of students in the third cycle in 1997-98 were girls, they accounted for only 39.7 per cent of all students defending doctoral theses. Girls accounted for 31.3 per cent in 1992.

(d) Engineering schools

In 1980 the proportion of girls among the students who received engineering diplomas was 11.65 per cent. In 1997-98 the figure was 22.2 per cent.

The percentage of girls thus almost doubled over this period. This is one of the areas in which numbers of girls have increased most.

The authorities and the community have made a sustained effort to expand the number of vocational options open to girls.

On 14 September 1989, a new Convention on the Diversification of Vocational Options for Girls, succeeding the previous one dating from 1984, was signed by the Ministry of National Education, the State Secretariat for Technical Education and the State Secretariat for Women's Rights.

The progress report on the Convention, given at a European seminar on 6-7 November 1995, described the many and varied efforts the education authorities had made.

Two publications were prepared at the seminar, one of them entitled "Expanding girls' career options". This is a resource document made up of reports on activities and resource indexes.

The second, entitled "Evaluation of academic strategies promoting the diversification of vocational options for girls", contains the collected papers from the seminar.

B. Technical and vocational education

The situation seems to vary between education authorities, according to the degree of involvement of the rector.

A further conclusion is that this type of action is difficult to evaluate in the short term.

Second stage (vocational):

Vocational baccalaureates in public education (2 years after the Vocational Teaching Diploma (BEP)) have attracted far greater overall numbers of pupils in recent years: 96,224 in 1997-98, as compared with 38,200 in 1991-92. In this context, a slow but steady decrease in the proportion of girls has taken place: from 47.6 per cent in 1988 to 44.4 per cent in 1997-98 (-3.2 per cent).

Second stage (technology):

At the second, long stage of public education it can be seen that the proportion of girls in final-year technology classes in the production sphere has tended to stand still:

1992 - 12,135 (11.19 per cent)
1997 - 12,835 (12.15 per cent)

It is noteworthy that the number of girls has increased slightly, while overall numbers and the number of boys have dropped.

However, these figures are low. There has been a general decline in the numbers of pupils in technical education.

Proportion of girls sitting the various series of the industrial technology baccalaureate in 1997:

Civil engineering	11.8 per cent
Electronics	5.3 per cent
Power engineering	4.9 per cent
Electrical engineering	3.8 per cent
Materials engineering	9.4 per cent
Mechanical engineering	7.1 per cent
Total	5.8 per cent

2. Action taken

(a) Elimination of stereotypes

It became apparent that there was a need to include these activities of guidance and integration in the overall policy on gender equality, including systematic initial and further training for teaching staff. Programmes were revised to give greater visibility to women's role as active participants in past and present society, with the aim of eliminating sexual stereotypes.

A March 1997 report to the Prime Minister, on the representation of women and men in school textbooks, emphasizes the importance of a multi-partner approach to the reduction of sexual stereotypes.

(b) Strengthening the policy of gender equality in schools

The year 1997 saw several events marking the twenty-fifth anniversary of women's studies in France. There are currently five chairs of women's studies in French universities.

Greater efforts will be made to encourage the establishment of university chairs and social research in this area.

In November 1997, at the request of the Minister with special responsibility for education in schools, a new steering committee was formed. Its aim is to redefine policy on gender equality in education, at all levels from pre-education to university.

The committee comprises mainly researchers and secondary school teachers. The Department for Women's Rights is collaborating with it.

On 8 March 1999, International Women's Day, the national education authorities called on rectors to implement measures linking women and science, with assistance from public research laboratories.

A European Community exhibition entitled "The other half of science" was distributed to all education authorities, and inspired a large number of initiatives.

A brochure on gender equality at school, intended for teachers and education decision-makers, will be distributed to schools and teacher training institutes from September 1999.

In the light of the debate on introducing parity under the Constitution, the role of initial training in achieving access to parity is now the subject of open scrutiny.

The national education authorities have produced several circulars focusing on the need to tackle the question of gender equality. They address the topics of civic education, health education and sex education.

A report on sexual violence among schoolchildren was published by the national education department in March 1999.

The report recommends a number of measures, with particular emphasis on legal information and prevention among pupils in nursery schools and primary schools.

A Web site offering a central source of teaching tools and information on equality at national and European level will be operational in 2000.

The French national plan of action on employment for 1999 attaches high priority to effective implementation of equal opportunities for girls and boys in the sphere of initial training. Among the main activities it proposes are:

- to implement an agreement between the Minister for National Education and the Minister with special responsibility for Women's Rights geared to gender equality and containing a section on the broadening of girls' vocational options;

- to appoint an assistant for each rector who will be responsible for initiating and monitoring all educational policy designed to achieve equal opportunities for girls and boys;

- to achieve balanced representation between men and women in the membership of the National Curriculum Council.

(c) The Women's Scientific and Technical Vocation Prize

This prize amounts to 5,000 francs and is organized by the regions, the objective being to highlight the scientific and technical vocational projects by 480 final-year lycée students that can serve as models for other girls in lycées and colleges. The prize has been awarded every year since 1991 by the Department of Women's Rights.

(d) Initiatives are finally being taken by associations

To cite one example, the "Parity tomorrow" organization and the French Association of Women University Graduates organized a symposium on 11 January 1997 and published a report on "Comparative access by boys and girls to the Grandes Ecoles".

The Women and Mathematics association holds regular study days and publishes a magazine.

ARTICLE 11

(Employment)

French positive law, both in the form of constitutional principles and in legislation, clearly establishes equality between men and women in the sphere of employment.

1. GENERAL REVIEW

A. Increased numbers of economically active women

One of the most striking phenomena of the past two decades has been the continuous rise in the number of women participating in the labour market - they now account for 47.6 per cent of the workforce.

The average participation rate of women aged between 25 and 54 increased from 45 per cent at the 1968 census to 75 per cent in 1990, and is rising by 1 per cent annually.

The proportion of wives who have two children and work is now 72.3 per cent, and of those with three children 51 per cent.

Today, eight women out of ten in the 25-49 age group work. This mirrors the level of educational attainment among girls. They are studying longer and leaving school with better qualifications.

Girls account for 57 per cent of all baccalaureate passes.

The increase is particularly striking among mothers of two children. Of these 73.3 per cent were working, with 44.1 per cent of mothers of two also working, both figures showing a rise of 10 per cent in 10 years.

The upswing in female employment is the result of growth in service industries, reflecting the general trend in society.

Female employment has become more skilled and remains more concentrated.

Although both sexes work in service sector jobs, men still predominate in agriculture, industry and construction.

Among the 31 socio-professional categories listed, the most feminized have a workforce comprised 60 per cent of women, although they represent only 31 per cent of the total workforce. The categories in question are civil service employees, administrative staff in enterprises, shop staff, domestic staff, primary school teachers, nurses and social workers. Certain occupations remain exclusively female.

Among manual workers, 81 per cent are men, while 76 per cent of office workers are women (one out of two women is an office worker).

This concentration of female employment sharpens the competition between girls and women with higher educational qualifications and those who are less qualified (baccalaureate, certificate of vocational aptitude (CAP) and vocational teaching diploma (BEP)).

Another reason for the rise in female employment is the large-scale involvement of women in part-time work and some of the most casual types of job. Part-time work involves 31.6 per cent of economically active women and 80 per cent of part-time employees are female, which has clear implications for women's careers.

Although these trends have continued to rise steeply since 1992, they mask a number of realities that should be examined separately.

Women predominate in part-time work

In the private sector

Some types of part-time work reflect attempts by employees to organize their working hours so as to improve their situation. This is the case with the four fifths arrangement common in the public sector (Wednesday is not worked, as there is no school for some children on that day). This type of arrangement is much more difficult to negotiate in the private sector, particularly for those

female managers who have expressed the desire to take advantage of such options in order to improve the balance between work and family life.

There also exists a whole range of part-time jobs, introduced by employers, which are imposed on employees in service activities and the retail trade, an example being cashiers in supermarkets. These jobs, involving reduced hours and sometimes split shifts, are far removed from those in which options are available.

The fact that the latter are coming into greater use in the private sector gives cause for concern; these jobs pose the increasing risk of permanent casual status for the many women working in them.

Four per cent of women work less than 15 hours per week and have no social security cover (800 hours a year are required in order to receive sickness-maternity benefit).

In France in recent years, the boom in part-time work has contributed most towards reducing the average number of hours worked. Since 1992, the authorities have encouraged the process by offering incentives (30 per cent reduction in employers' costs when taking on a part-time employee). Part-time work is almost exclusively a female concern: overall, 30.9 per cent of economically active women work part time, as opposed to 5.4 per cent of men.

In the civil service

Here, 16.6 per cent of staff worked part-time as at March 1997.

In the State civil service, part-time employees are mostly women working 90 per cent of full quota. They are most often found in Category C.

The Law of 25 July 1994, on the organization of working hours, transfers and recruitment to the civil service is designed to increase part-time employment while also offering improved means of ensuring that opportunities for working reduced hours lead to the recruitment of new staff to the service.

Accordingly, in the civil service, "denial of a request to work part-time" must be preceded by an interview between the employee and the relevant senior staff member, who must clearly state the reasons for denial.

Moreover, the experimental introduction of annualized part-time work on 1 January 1995 enables staff either to alternate working and leave periods or to work their hours together over a single period.

B. Increased unemployment

Although for several years employment policy benefiting women has focused on integrating them into general strategies for reducing unemployment, inequalities detrimental to women are emerging against a background of unemployment.

The differences between men's and women's unemployment rates remain significant, between 4 and 5 per cent on average. The overall unemployment rate for women is 13.8 per cent, and for men 10.2 per cent.

Regardless of their level of training, women are more affected by unemployment than men.

	None or primary cert. (CEP)	First cycle cert. (BEPC)	CAP-BEP	BAC	Higher
M	15.4	9.9	9.2	8.2	5.7
W	19.5	13.7	14.7	12.3	9.7

Employment Survey 1996

Six percentage points separate female and male manual workers (14% and 20%). The difference is much less for office workers (2%) and managerial staff (0.8%).

Among men out of work, 34.7 per cent have been unemployed less than a year. For women, the figure is 38.8 per cent.

The average length of time spent unemployed by women is 16.4 months, and by men 15.5 months.

C. Large salary differences

Average salaries

In 1996, the net average annual salary (i.e. after deduction of social security contributions) was 128,220 francs: 136,430 francs for men and 108,920 francs for women. Men earn on average 25.2 per cent more than women.

This difference is mainly due to the fact that a greater proportion of women than men occupy lower-skilled jobs.

Changes in average annual salaries (in current franc equivalent)

	1950	1976	1988	1991	1996
Managerial	7,886	54,559	214,000	214,000	249,160
Technicians	4,025	26,657	118,300	130,600	138,410
Non-manual	2,814	13,880	80,300	86,500	94,080
Skilled manual	2,369	12,855	81,400	91,300	99,350
TOTAL:					
Men	2,910	17,782	110,800	115,200	136,430
Women	2,033	11,855	84,100	96,500	108,920
Average	2,728	16,046	101,200	126,500	128,220

Source: DADS (annual salaries based on figures supplied annually to the government by enterprises).

Annual salaries by sex and socio-professional category, 1996

Category	Men	Women	Salaries Men/Women
Managerial	261,400	202,180	+ 29.3%
Intermediate occupations	143,770	126,030	+ 14.1%
Technicians, supervisors	140,440	122,720	+ 14.4%
Other intermediate	148,050	126,650	+ 16.9%
Non-manual	99,370	91,590	+ 8.5%
Manual	97,880	80,070	+ 22.2%
Skilled	100,600	85,390	+ 17.8%
Unskilled	87,930	76,330	+ 15.2%

Source: DADS

The disparities between men's and women's salaries vary slightly according to the socio-professional category.

Within each category, the difference tends to grow as the level of skills rises.

Thus, a skilled female manual worker is on average better paid than an unskilled one. But the difference between the salaries of skilled male and female manual workers is greater (+ 17.8%) than that between their unskilled counterparts (+ 15.2%).

The highest male/female salary differential out of all the socio-professional categories is among managerial staff (+ 29.3%). It exceeds the average differential for all categories put together (+ 25.2%).

2. ACTION TAKEN BY THE AUTHORITIES TO TACKLE INEQUALITIES

Respect for the principle of professional equality on the part of the various economic interest groups is at the heart of the Government's concerns.

Several current initiatives commissioned by the Government concern the evaluation and application of the legislation on professional equality.

The Economic Research Council, attached to the Prime Minister's office since 1997 and charged with "analyzing national economic issues and setting out the conceivable options", submitted a report in March 1999 entitled "Equality between men and women: economic aspects".

The report, written by Ms. Beatrice Majnoni d'Intignano, reveals that women's participation in economic activity acts as a powerful factor in improving the economic performance of developed countries, by permitting diversification of talent and diverting household demand towards labour-intensive services.

The central issue in the report is the conditions under which the women's economic activity, desirable at the macro-economic level, can be reconciled with the family activities that contribute to personal well-being.

The report proposes improvements to the existing machinery, especially in the sphere of family policy. Its recommendations will be discussed at the next Conference on the Family, to be held in June 1999.

Moreover, the Prime Minister has requested Ms. Catherine Genisson, a parliamentary deputy, to prepare a report on professional equality by September 1999.

2.1 <u>The first manifestation of action by the authorities was the national action plan for employment (1998)</u>

This plan, developed as part of a policy initiative on employment coordinated by the European Union, proposes various measures for tackling different types of discrimination.

The plan stipulates that the government's employment services must correlate women's share of work integration measures with their share of job demand.

Likewise, campaigns are being launched in support of equal access to apprenticeships.

As to specific measures, the plan mentions the need to improve women's access to credit for the purpose of setting up a business and to provide them with the necessary support (training, advice, follow-up).

France's national action plan for employment will focus on several main objectives for 1999:

- tackling discrimination between men and women. Here, there are four main priorities:
  - initial training (wider vocational choice, more apprenticeships available at Bac+2 level);
  - women's access to employment (application of the principle of non-discriminatory recruitment);

- women in employment (continuation and strengthening of affirmative action, equality clause in vocational training activities);

- women in the civil service (more women on examination boards; ministries to set management targets).

- reconciling family and working life:

  - diversification of child-care arrangements (individual and group);

  - balancing work time and family time.

- reintegration into working life (Incentive Funds for Women's Training-FIFF).

The 1999 national action plan on employment is still in preparation. It places particular emphasis on equal opportunities and adopts an integrated approach to employment policy.

2.2 Affirmative action and its impact

More than 10 years after the introduction of specific arrangements under the law of 1983, only a small number of professional equality initiatives have been taken. To date, 32 professional equality contracts have been concluded.

In recent years, the economic situation and employment problems have been such that labour and management have had to concentrate on other areas of negotiation.

The Higher Council for Professional Equality formed a working group in 1996 to evaluate the impact of the measures taken and to discuss whether affirmative action should continue.

Despite the difficult situation, several enterprises have taken action on professional equality, including particularly innovative measures in the sphere of labour protection.

Thus, although professional equality is not a formal requirement as such, it is one way of confronting technological change and bringing about change in job content. These changes in the organization of work are enabling less skilled female staff to take on more highly skilled jobs. Professional equality measures are most often used as part of a strategy aimed at maintaining or improving women's employment.

Professional equality thus accompanies change, and plays an active role in the context of an enterprise's overall concerns.

Experience has confirmed that affirmative action should be maintained. In 1995, the plastics industry federation signed an agreement on professional equality and mixed employment with the Ministry of Labour and the Ministry with

special responsibility for Women's Rights (the only agreement to date signed between an employers' organization and the authorities).

The objective of the agreement is to upgrade women's skills, encourage their recruitment and provide enterprises in the plastics industry with as much information as possible so as to expand women's employment.

In response to increased competition, the plastics industry federation is attempting to upgrade the skills of its workforce.

The main objective of the framework agreement on training signed on 31 October 1996 by the Ministries of Employment and Industry and the Ministry with special responsibility for Women's Rights is to promote training activities in small and medium enterprises and industries having fewer than 250 employees.

The agreement concerns three types of training:

- measures designed to pre-qualify existing employees through skills improvement, and action to ensure smoother integration of job-seekers by allowing them to alternate work and training in the enterprise;

- training for employees leading to the certification of higher professional qualifications;

- measures to upgrade the skills of female staff in the context of female employees' overall professional advancement. This aspect is included in the agreement on the development of professional equality and mixed employment signed on 31 October 1995 between the Ministries of Labour and Industry, the Department of Women's Rights and the plastics industry federation.

The Department of Women's Rights has also carried out a study intended to bring about smoother interaction between general legal provisions and specific programmes.

In carrying out these actions local partners, including governmental departments operating locally, are encouraged to commit themselves jointly to developing forms of vocational training through professional equality contracts, mixed employment contracts, in line with Objective 4 of the European Social Fund. The agreement is designed to strengthen collaboration between them.

The professional equality component signals the enterprise's intention to carry out a project jointly with staff representatives and employees. This enables the Government to mobilize all regular general legal means according to requirements, and also to provide assistance specific to professional equality.

In January 1997, an appeal for projects was launched at regional and departmental level, with a view to supporting projects in branches of an activity, enterprises and institutions that promote access to or the development of skilled jobs for women. The overall aim was to encourage local partners and local government offices to develop projects in compliance with the professional equality objective. Examples might be developing an occupation into a career or

instituting flexible working hours that do not penalize women. An amount of 7 million francs was earmarked for this purpose.

Out of 70 projects, 30 have been approved. Several enterprises are introducing more flexible working hours and work leading to qualifications, thus changing the content of jobs in favour of women. Other enterprises have opted for improving the employability of their female workforce (temporary jobs agency). Certain branches of activity in large companies are aiming to bring company strategy into line with the policies on women (in terms of professional mobility). Finally, some projects address rural conditions, and act as a force for renewal (production cooperatives).

2.3 Vocational training

The number of women receiving vocational training fell slightly between 1991 and 1996, having risen in the previous period.

Overall, in 1996 women represented 38 per cent (provisional estimate) of the economically active population taking part in training organized by the State (excepting public officials), the regions and enterprises. The level had been 37 per cent in 1995 and 40 per cent in 1991.

This decrease is basically due to women's reduced participation in State-funded measures.

Women accounted for (see table):

- 46 per cent (provisionally) of those undertaking State-funded training in 1996 (44 per cent in 1995, 52 per cent in 1991);
- 44 per cent of those in regionally funded training in 1996 (45.9 per cent in 1991);
- 35 per cent of those in training funded by enterprises in 1995 (32.8 per cent in 1991).

General data on women's participation in vocational training

	1991	1992	1993	1994	1995	1996
Proportion of women among the economically active population who undertook training funded by the State, the regions and enterprises (except civil service training and apprenticeships)	40%	38.1%	38%	39%	37%	38% (estimate)

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Enterprises

Proportion of women among those trained	32.8%	34%	35%	35%	35%	
Female trainee rate	29.9%	31.2%	32.4%	33%	32.7%	
Male trainee rate	34.7%	35%	35.7%	35.6%	36.1%	

Regions

Proportion of women among those taking in-service vocational training	45.9%	46.4%	45.3%	45%	45.1%	44%

State

Women's representation on State training programmes	52%*	54.5%	55%	49%	44%	46% (estimate)

(* estimate based on 65% of total number)

Two trends are thus apparent:

- Regionally funded measures

A slight decrease occurred in the proportion of women among those trained (44 per cent in 1996 compared with 45.9 per cent in 1991), following an increase in the previous period.

- In enterprises

The proportion of women among those trained continued to rise slowly, from 32 per cent in 1991 to 35 per cent in 1995.

However, unequal access to training still worked against women: in 1995 the female trainee rate, i.e. the percentage of female employees in training during the year, was 32.7 per cent, against a male rate of 34.7 per cent. (In 1991 the female trainee rate was 29.9 per cent and the male rate 34.7 per cent).

This inequality of access to vocational training cannot be explained entirely by the fact that women form the majority in social occupations and in certain sectors where less in-service vocational training is available.

The gap is mainly caused by large enterprises, which train most employees and where job renewal is most common.

In 1995, in enterprises with 2,000 employees or more, men's chances of undertaking training were 53.2 per cent, and women's 45.9 per cent; in enterprises with 10 to 19 employees, the rates were respectively 7.6 per cent and 10.1 per cent.

Measures taken to restore the balance in women's participation in vocational training

In order to reach as varied a female public as possible and remove the most serious obstacles to job commencement or recommencement (lack of qualifications, preference for areas where competition is strong, little or outdated work experience, illiteracy, isolation and dependent children, lack of mobility, rural factors, traditional perceptions), the regional officers for women's rights, together with the European Social Fund, are sponsoring programmes with the following objectives:

- mobilization and pre-qualification across a range of outlets;
- qualification to work in leading industries;
- guidance for women and girls most isolated from employment.

The partial or completed activities undertaken in 1997 (25 on average per region) were more or less equally divided among these three objectives. The topic "Broadening professional targets" was the subject of special sessions, or was defined as a concern that cut across all three categories.

In addition to programmes under the heading "Women's Rights and the European Social Fund" carried out in collaboration with many traditional partners under ordinary legal conditions, there are particular projects and experiments designed to persuade "ordinary law" to adopt their objectives and methods.

Regional women's rights officers are finding it increasingly difficult to respond to a whole section of the female public which finds that "ordinary" legal measures do not cater for the situations in which they find themselves.

Accordingly, guidance-monitoring activities, before training so as to facilitate access to it and after training so as to optimize its effects, have been on the increase compared with the previous two years.

The financial resources to implement this programme, in a shrinking job market, are limited compared with the demand. The increase in public funding becomes all the more noticeable in this context. In 1996 the assistance provided from regular sources amounted to 8,396,311 F, an increase on 1994 and 1995, when the programme got off to a slow start. This funding enabled 3,600 women to be given training and guidance out of the 7,200 affected by this measure, and made it possible to double the number of interventions (90,750 additional hours).

2.4 Recent decisions in which French judges have taken account of professional equality

Until recently, the Court of Cassation only very rarely heard cases involving professional equality; in cases concerning equal pay, in particular, the Court would conclude that there was no discrimination.

Advances in Community jurisprudence have had an impact on professional equality.

Such is the case with direct discrimination, especially concerning job appraisal for a pregnant woman: on 16 July 1998 the Court of Cassation (CNAVTS [National pension fund for employees] vs. Mme Thibault) invoked article L. 123-1 of the Employment Code in qualifying as direct discrimination a case in which a collective agreement deprived an employee on maternity leave of her right to have her work appraised, on the grounds of absence, with the result that she subsequently missed promotion. This case was referred to another court for a preliminary ruling and became the subject of a decision of 30 April 1998 by the Court of Justice of the European Communities (case 136/95).

Likewise, article 119 of the Treaty establishing the European Union has been the basis for decisions concerning the granting of specific benefits to women only (allowances paid for a birth or adoption); in their capacity as parents, men have obtained satisfaction with regard to equal pay (Cass-soc 9/4/96: SA Renault vs. Chevalier et al.).

The following two decisions are more innovative:

The Court of Cassation has affirmed that equal pay for men and women is an application of the more general rule: "equal pay for equal work" (C-Cass-29/10/96 Ste Delzongle vs. Ponsole); the decision concerns two executive secretaries performing comparable duties but paid differently. The female employee, worse paid, requested that the "equal pay for equal work" principle be applied. The decision attracted criticism and the anger of heads of enterprises, who feared that the system of personalized salaries was being called into question. The interesting aspect of this decision is that the principle of equality is seen as strongly supportive of the power held by heads of enterprises, who retain the freedom to fix salaries; however, they must also comply with the principle of equality.

Likewise, the Court of Cassation has followed the reasoning of the Court of Justice of the European Communities with regard to indirect discrimination and proof (Cass-soc. 12/2/97-SARL (Limited liability company)-Usai Mushrooms vs. Mme Douarre and Mme Daudel). Men were systematically paid more than women although they had the same grade and coefficient. The employer justified the difference by claiming that the men's work needed more strength, as they lifted boxes of mushrooms, while the women "only sorted them". Having analysed the situation of both categories (female and male employees), the Court of Cassation ruled that the criterion of physical strength was not a determining factor justifying a difference in pay. Thus, different activities performed by women and men were considered to be of equal value. Moreover, the burden of proof in respect of absence or justification of inequality lies with the employer, with

the employee responsible for the complaint of salary discrimination. The Court of Cassation has thus made a significant innovation that opens the way for women, whose salaries are still on average 18 per cent lower than men's, to win in the courts. Community laws and jurisprudence, although national jurisprudence evolves slowly, are showing the relevance of anti-discrimination laws; at the instigation of the judges - the practitioners of law - these instruments are being used to reduce the gap between the equality principle, or technical equality, and actual (or material) equality.

Here, equality of opportunity complements equality of treatment. Experience shows France's difficulty in progressing from a paternalist concept (cf. discriminatory clauses, night-work in enterprises) that protects women to an egalitarian concept that aims to promote women's interests.

2.5 Measures to tackle sexual harassment in the workplace

As one of the elements in the policy favouring equality between men and women at work, measures on sexual harassment continue to be implemented by institutions.

Awareness and information campaigns have been mounted by regional and departmental women's rights officers.

The objective is to raise awareness among partners such as the work inspectorate, trade unions, associations, legal professionals and the constabulary (gendarmerie). The result has been improved coordination between the various local partners, which have held symposia and produced leaflets focusing on prevention.

Also, the Department of Women's Rights has funded research based on the European Association's collection of documents relating to violence committed against women at work. The initiative resulted in the publication of "Sexual harassment in France, the lifting of a taboo: 1985-90".

2.6 Balancing family and working life

A successful policy to absorb women into the employment market would be incomplete if, alongside measures aimed at achieving direct access to or retention of jobs, it did not also establish machinery responsive to the need to reconcile personal or family life with working life.

This need is also reflected in the movement to reduce working hours, which has begun to grow in France since the adoption of a general principles act on the subject.

These matters are also being considered by the Government and by managers and labour, in a working group on "Reorganization of working hours and professional equality" convened by the Higher Council for Professional Equality.

It has become clear that the reorganization of working hours is an economic necessity that can also meet employees' needs for flexibility. Some part-time

situations made possible by the offer of guarantees and the definition of criteria during collective bargaining processes are discriminatory.

Certain measures identified as better suited to a family policy, such as the provision of government assistance and services for child-minding and childcare and the introduction of more flexible parental and family leave, have positive effects on integration into the job market.

The development of such measures is one of the conditions for achieving equal opportunity, as long as both men and women benefit.

Lastly, the provision of government assistance is helping people to combine family and work as a means to improve their working situation.

The assistance covers the costs of child-minding and dependant home-care for single parents and women in difficulty who wish to undergo training or have access to an assistance contract. The purpose of the funding is to encourage women's training.

2.7 Protection for pregnant women

In 1993, Parliament acted to strengthen protection for pregnant women at work by reversing the burden of proof.

Since 27 January 1993 the law has allowed pregnant employees to absent themselves from work in order to undergo compulsory medical examinations, without incurring any loss of remuneration.

A pregnant woman is protected on recruitment: the employer may not use pregnancy as grounds for non-recruitment. The employee is not required to reveal her pregnancy at the time of recruitment. In the event of a dispute, the employer must inform the judge of all the factors motivating his decision.

In addition, a number of collective agreements provide for the reorganization of working hours and break-times.

Maternity leave and adoption leave

Law No. 94-629 of 25 July 1994, known as the family law, extended the period of maternity and adoption leave available in the event of a multiple birth.

Types of pregnancy	Total leave in weeks	Prenatal period	Post-natal period
Beneficiary or household has less than 2 children	16	6(1)	10

Multiple birth expected	Beneficiary or household already has 2 children or beneficiary has already had 2 children born viable	26	8(1)(2)	18
Twins expected		34	12(1)(3)	22
Triplets (or more) expected		46	24(1)	22

(1) In a case of illness confirmed by medical certificate, prenatal rest can be extended by up to 2 weeks.

(2) The prenatal period can be increased by a maximum of 2 weeks. The post-natal period is reduced accordingly.

(3) The prenatal period can be increased by a maximum of 4 weeks. The post-natal period is reduced accordingly.

The daily maternity benefit is equal to basic daily earnings calculated on the basis of the salary received for the last three months before the start of maternity leave. There is a net monthly ceiling.

Daily benefits are exempt from social security contributions. They have been subject to income tax since 1 January 1996.

Since 1995, parents who adopt a child abroad without using a charitable organization have been entitled to adoption leave. For adoption of siblings, leave can be extended to 22 weeks.

An adoption allowance is paid on the arrival in the home of one or more children who have been adopted or fostered prior to adoption, for a maximum period of 21 months. The amount is 964 francs per month.

2.8 New family rights relating to work:

(a) The law of 25 July 1994 offered all employees the right to parental leave, regardless of the number of people working in the enterprise

Parental leave, which is taken either in the form of a suspension of contract or as part-time work (less than 32 hours per week) may be extended by a year beyond the child's third birthday or the date of the adopted child's arrival in the home, in case of illness, accident or serious disability.

The employee may continue to receive vocational in-service training during parental leave or periods of part-time work.

When a child who is adopted or fostered prior to adoption is aged over three months but under 16 years, the parental leave or part-time work may not

exceed one year counted from arrival in the home. These provisions are applicable to employees and civil servants.

The family law of July 1994 introduced a new set of measures intended to reconcile the family and working lives of parents with young children.

(b) Extension of the parental care allowance (APE) to the second child

This provision entered into force on 1 July 1994 for children born after that date. Until that point, the allowance was paid to one or other of the parents who stopped working in order to look after the children following the birth of the third. The new APE, amounting at the full rate to 2,990 francs per month, is granted as of the second child, provided there is proof that the beneficiary has worked for at least two of the previous five years.

There are two complementary measures:

- a partial APE paid to part-time workers;

- the possibility of combining two partial APEs if each member of the couple works part-time. In this case, the total amount of the two APEs may not exceed the full-rate APE. Two rates have been set for partial APEs: 1,978 francs per month for a professional activity (or paid training) lasting no longer than 50 per cent of the legal working week, and 1,495 francs per month for an activity lasting between 50 per cent and 80 per cent of the legal working week.

The incentive effect of the new APE as compared with women's previous withdrawal from the workplace is clear[8] (99 per cent of the beneficiaries are women). According to the statistics, the number of economically active mothers with a second child aged from 6 to 17 months fell by 26 per cent between December 1994 and December 1995. It is estimated that over a third of the economically active women who gave birth to a second child after July 1994 stopped working or looking for work and received the APE.

APE at the partial rate has been paid to 20 per cent of the total number of families with two children who receive APE.

The latest figures on APE beneficiaries from the CNAF (National Family Allowance Fund) date from November 1997:

Total number of beneficiaries:	463 549	(100%)
Women	453 351	(97.8%)
Men	8 344	(1.8%)
Couples working part-time who receive partial APE	1 854	(0.4%)

[8] Data based on statistics prepared by the forecasting office of CNAF (National family allowance fund); (December 1995 national register of family allowance beneficiaries).

(c) Leave to care for a sick child

The law on the family of 25 July 1994 legalized child sickness leave. This is unpaid, and up to three days per year may be taken (child must be aged under 16 years). It may be extended to five days if the child in question is aged under one year or if the employee has responsibility for at least three children aged less than 16 years.

(d) Right to work part-time if a child is seriously ill

The law on the family establishes employees' right to work part-time in the event of a child's illness, accident or serious disability. In the first instance, the part-time work lasts up to six months, and it may then be extended once for a further six months.

(e) In the civil service, the right to work part-time has been introduced for national and local officials and hospital workers, in two situations:

- from each birth until the child's third birthday, or on each adoption until three years have passed since the child's arrival in the home.

- caring for a spouse, dependent child or elderly relative who either has a disability requiring the presence of a third person, or has suffered an accident or serious illness.

2.9 Improvements in child-care

In a recent information document, Child-care for ages 0-6 (Key figures 1997), the CNAF presents the latest statistics on home and community child-care options and on public spending for this purpose.

Children under 3 years of age

Out of the 3.1 million children in this age group, half are looked after by a parent at home (most often the mother). In 40 per cent of cases, the parent receives a parental care allowance on the basis of a second child and previous work.

Thirteen per cent of children under three are looked after in the homes of approved mothers' helpers. The parents receive an AFEAMA allowance (Family allowance for employing an approved mothers' helper) paid by the Family Allowance Fund (CAF).

Nine per cent of this age group attends nurseries subsidized by the CAF.

Lastly, 26 per cent of this age group are looked after outside the family home without any grant from public funds (i.e. by family or neighbours). In addition, about 250,000 children under three start school each year, representing about one third of those old enough to do so.

Children between 3 and 6 years of age

Half of the children in this age group are looked after at home by their mothers on their return from school.

A total of 268,000 children are looked after in Wednesday and/or after-school recreation centres.

Mothers' helpers care for 152,000.

Domestic employees look after 50,000 (1 per cent) in the parental home.

A total of 650,000 children (30 per cent) do not receive care outside school hours.

A wide range of child-care options

(1) Day nurseries: There are currently 199,000 places for children under three.

In the past 15 years, new places have been created at the rate of 6,400 a year. Overall, in the past three years there have been around 5/6 places per 100 births.

(2) Mothers' helpers: 328,500.

Mothers' helpers are approved by the maternal and child welfare services of the General Council to look after small numbers of children.

It is estimated that around 482,000 children could be looked after in the homes of mothers' helpers, an average 1.96 children per helper.

(3) Drop-in nurseries: 64,000 places

In the past 15 years, an average of 2,700 new places have been created each year. These facilities operate in such a way that one place is estimated to serve an average of 5 children. In total, around 323,000 children from 0 to 6 years of age are looked after each year in drop-in nurseries.

(4) Nursery schools:

The figures show that 2.5 million children from 2 to 6 years of age attend the 19,269 nursery schools in France.

(5) Kindergartens: 12,000 places.

(6) Care outside school hours:

In the under-6 age group, 278,000 children are looked after in recreation centres (without accommodation) on Wednesdays and/or after school.

(7) The child-care pact

Child-care pacts, launched in 1988, are at the forefront of the overall policy established by the CAF and the communes, and sometimes other partners, as a replacement for day nursery pacts, which had not been as successful as expected. Under pacts signed with communes, the CAF co-funds some of the latters' child-care for children aged less than 6 years. This policy is no longer concerned simply with creating nursery places; it promotes and supports the extension or creation of multipurpose facilities that combine community day nurseries with drop-in nurseries, play-centres, emergency facilities covering sickness, out-of-school activities, parent/child premises ("maisons vertes" or "maisons ouvertes") and, finally, facilities for teams of mothers' helpers (information desks, interview and meeting rooms for mothers' helpers and parents). Since the late 1980s, the number of places at small and multipurpose facilities has continued to grow alongside traditional facilities.

The pacts signed since 1988 in France and since 1991 in Overseas Departments have led to an 11 per cent improvement (results as at 31/12/96) in meeting the needs of the signatory communes. Over 4,000 communes have signed pacts to date. The vast majority have fewer than 10,000 inhabitants. In 1995, the "child" component of the programme contributed an average of 320 francs for each child living in an area covered by a pact.

(8) The home child-care allowance

The home child-care allowance, established in 1987, is intended for parents who employ someone at home to look after at least one child under three (law of 29 December 1986). It used to equal the amount of social security contributions paid for one (or more) employees up to a ceiling of 2,000 francs per month. In 1992, a system was introduced whereby the allowance was paid directly each quarter to URSAAF (body responsible for collection and payment of social security and family benefits) by the CAF. Under the law on the family of 25 July 1994, the allowance was raised to the level of the total social security contributions (by employer and employee) relating to a full-time job paying the statutory minimum wage: 4,729 francs per month as at 1 January 1997. It is also available at half-rate to families with children between 3 and 6 years of age.

In all, the CAF offices spend over 25 thousand million francs per year on care facilities for young children. The disbursements by the CAF's family branch in 1996 were as follows (in francs):

Total for day nurseries	2.6 thousand million
Other facilities (multipurpose, drop-in)	528 million
Recreation centres with no accommodation (under 6 years of age)	316 million
Child-care pact	820 million

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Grants to employ mothers' helpers (AFEAMA)	7.9 thousand million (1997)
Home child-care allowance	2.1 thousand million (1997)
Parental care allowance	16.6 thousand million (1997)

ARTICLE 12

(Health)

Life expectancy is now 82 years for women and 74 years for men.

At all ages, mortality is higher among men, especially between 15 and 34 years. The difference in mortality is found for most diseases.

Three quarters of female deaths concern women aged 75 and over; the most frequent causes of death are, in descending order, respiratory diseases, cancer and accidents (falls).

According to the latest figures published by the Higher Board for Public Health, cancer ranks as the second most common cause of death in France, behind cardiovascular ailments, and as the most common cause of premature death before the age of 65.

Breast cancer is the most prevalent type of cancer among women, with 25,000 new cases per year, and it causes most cancer deaths among women aged from 45 to 54 years: 10,000 (20%) of all the deaths due to malignant tumours in 1996.

International experience has shown that systematic screening can reduce mortality risk by 30 per cent among women aged from 50 to 69 years.

In France, 20 Departments currently regularly screen 170,000 women, representing one third of the population at risk.

An evaluation of the results from five Departments, carried out in 1997 by the Ministry of Health, shows there is insufficient coverage for the oldest women in the age group concerned, as well as for women with a family history of breast cancer. This study also noted that radiologists must be given better training in the delicate and error-prone technique of interpreting mammograms.

The National Steering Committee for Breast Cancer Screening was set up in 1994 to examine ways of bringing screening into wider use.

At the moment there is no effective mass screening system available for cervical cancer, which affects between five and six thousand women and leads to 2,000 deaths per year.

Under the current system of cervical smear testing for cancer, women whose last smear was normal are seen every three years. To be effective, the system

must be better organized and must target women aged between 20 and 65. This would be expensive to implement, and is thus a matter of public health policy.

1. Births in France

A new Government plan on perinatal health, comprising 16 measures, was introduced in 1994.

Its objective is to improve the monitoring of pregnant women and those who have just given birth by providing information, encouraging greater responsibility, introducing specific measures for disadvantaged groups, and making health professionals aware of the importance of monitoring pregnancies.

A compulsory medical examination in the seventh month of pregnancy, conducted at a public health facility, was introduced in order to reduce the number of women who never have a prenatal consultation.

Provision was made to improve the information available in the perinatal sphere through the introduction of regular surveys on morbidity and medical practice relating to pregnancy and birth.

In this connection, in January 1995 a national survey was held, with results comparable to those of the previous survey carried out by INSERM (National Institute of Health and Medical Research) in 1981.

A comparison between the two surveys confirms certain trends: women continue to have children later (12 per cent of births involve mothers aged over 35 years), out-of-wedlock births are becoming more frequent, and the proportion of women living alone at the time of birth is up by 2 per cent.

The number of prenatal visits increased considerably, with 73 per cent of women making more than the regulation seven visits needed for a normal pregnancy. However, it should be noted that pregnancy monitoring still varies according to the woman's resources. The use of ultrasound scanning has increased (only 0.3% did not receive it).

The later survey found that more women attended prenatal classes and that birth practices had changed, with epidurals being used in 49 per cent of births compared with only 4 per cent in 1981.

An increase in the number of hospital births was accompanied by a reduction in the average length of stay.

Finally, the survey confirmed the increase in tobacco use by pregnant women (a quarter of women smoked in the last three months of pregnancy compared with 15% in 1981).

2. Contraceptive practices

For over a decade, contraceptive practice in France has been characterized by the widespread use of the contraceptive pill, together with relatively frequent use of IUDs (intrauterine devices) by women aged over 35. The latest

available data confirm these trends (survey conducted in March-April 1994 by INED (National Demographic Research Institute) and INSEE (National Institute of Economic and Statistical Information)).

By March 1994, more than two thirds of women aged between 20 and 44 used a contraceptive.

The pill was easily most popular, accounting for 41 per cent of users; the greatest proportion of users was in the 20-24 age group (58%), after which there is a steady decline.

Intrauterine devices were in second place, used by 16 per cent of the total, although the age pattern is different, with a clear majority of users aged between 35 and 44 (around 27% of that age group as a whole).

Other methods lag far behind, with the condom (5%) slightly ahead of regular abstinence (4%), and withdrawal, the method most favoured by French couples in the 1960s, now practised by only 2-3 per cent.

Following numerous AIDS awareness campaigns, condoms have come to be used widely, particularly by the young and people outside couples, as a temporary expedient at the beginning of a relationship (43% in 1993 compared with 8% in 1987). The pill is often not used until months later when the relationship is stable.

The great majority of the other women not using contraceptives at the time of the survey were nonetheless not at risk of unwanted pregnancy.

Some (4%) had been sterilized (in over two out of three cases the operation had - at least partly - been done as a contraceptive measure); this was the situation of 13 per cent of women aged 40-44 and 22 per cent aged 45-49 in that cohort.

Others knew themselves to be sterile, or pregnant, or were trying to conceive or had no partner. These last three groups comprised mostly younger women. Finally, less than 3 per cent of all women of reproductive age did not fit into any of the above-mentioned categories and, at the same time, said they did not wish to have children.

In France, voluntary sterilization has no legal status. It does not appear in the Civil Code or the Penal Code. It is done on prescription, most often at the initiative of doctors.

A new option: the "morning-after" pill

Since 4 January 1999 "Tetragynon", a contragestive medicine for use in emergencies, otherwise known as the morning-after pill, has been available on prescription at pharmacies.

A ministerial decree of 27 May 1999 authorized the sale in pharmacies of a second such product, "Norlevo", with no prescription required.

Norlevo is effective in 85 per cent of cases, being better tolerated by the body. There are no contra-indications.

The marketing of these two medicines is intended to prevent a large number of the abortions and unwanted pregnancies resulting from unprotected sexual relations (broken condom, forgotten pill, etc.)

Most of the women affected are young and sexually inexperienced.

However, all women are potentially involved, since more than one third of women between the ages of 20 and 49 use no contraceptive, while others admit to having forgotten to take their pill at least once.

This easy access to "afterthought contraception" should help solve the particular problems that arise when medical help is not available: during weekends, holidays and periods of travel.

A national information campaign on contraception will be conducted from October 1999 to December 2000.

This will be a general campaign targeting particular categories such as young people and socially and economically fragile groups. It will include TV and radio spots, inserts in young people's and girls' publications, a telephone advice line available throughout the period, and activities run by local teams of organizers.

Eight million leaflets on contraception will be distributed throughout France at events held for young people.

3. Voluntary termination of pregnancy

The adoption of Law No. 93-121 of 27 January 1993, whose article 37 makes "interference with IVG" (voluntary termination of pregnancy) an offence under the Public Health Code, put an end to a situation in which anti-IVG groups were mounting demonstrations that interrupted the operation of IVG centres.

The law does not bar the right to demonstrate. It simply aims to arrest and punish persons who, by their actions, attempt to prevent the operation of IVG centres. For this purpose, articles L. 162-15 and L. 162-15.1 of the Public Health Code impose a penalty of imprisonment for a period between two months and two years, and a fine of between 2,000 and 30,000 francs, or one of these penalties alone, for the action of preventing or attempting to prevent an IVG; they also allow any association whose registration pre-dates the incident by at least five years, and whose statutory objectives cover the protection of women's rights to contraception and abortion, to bring a complaint.

In 1994, after a resurgence in activities designed to prevent the legal functioning of IVG centres, the Minister of Health and Urban Affairs sent a circular to the prefects of regions and departments, reminding them of the provisions of article L. 162-15 and stating that prosecutions must be brought accordingly.

Article 38 of the law of 27 January 1993 removed the penalty that had applied to women who performed an IVG on themselves.

RU-486 or mifepristone: medicinal abortion

RU-486 was first marketed in 1989. It is effective in 98 per cent of cases, does not require hospitalization and causes little physical discomfort.

A voluntary termination of pregnancy can be performed by means of medicine administered orally during the first five weeks of pregnancy or seven weeks of amenorrhoea. The technique is not advised for women over 35 who smoke or those with current or previous cardiovascular problems.

The Minister for Employment and Solidarity and the Minister of Health have commissioned a report on IVG in France, with a view to determining the current situation.

The report, written by Professor Israel Nisand, states that although the law of 1975 concerning IVG is generally well applied, there are still some problems deriving mainly from inconsistencies in application. He emphasizes that the public-sector response, especially in large cities, is poor both in quantity (difficulties in recruiting professionals, imposition of IVG quotas) and quality (inappropriate care sometimes given, shortage of medicinal IVG).

According to Professor Nisand, certain legal constraints are negatively affecting the patients least able to help themselves, examples being long waiting periods, and the requirement of parental consent for minors.

Access to IVG in the public sector is still uncertain, and matters may become worse in the next few years if IVG is not made a normal part of the services offered by public gynaecology and obstetrics units.

The report also puts forward a number of practical proposals for improving the application of the law on IVG. Some of these concern the organization and status of IVG centres. Others concern legal waiting times, parental consent for minors, and access to IVG for foreign women who have been resident in France less than three months. Mention is also made of the need to strengthen the training of nursing and reception staff.

Finally, the report advocates a number of preventive and informative measures aimed at young men and women.

4. Women and AIDS

Unlike HIV-positive women, those with AIDS have been exhaustively documented. From the beginning of the epidemic until 30 September 1994, 5,230 women have been found to have AIDS compared with 26,948 men. The proportion of women among newer cases has increased constantly, from 11 per cent in 1985 to 20 per cent in 1993.

The two main modes of infection among women with AIDS are drug addiction and sexual contamination. Transmission through drug addiction is diminishing,

while sexual transmission is on the increase (respectively 37% and 43% of new AIDS cases diagnosed in 1993). Finally, among the women who have developed AIDS in recent years, less than 10 per cent had been contaminated by a blood transfusion given prior to 1985.

Diagnosis of AIDS occurs at an average age of 35 among women, and 37 among men. Over three quarters of these women are in the 20-39 age group. Method of contamination varies with age; on average, drug addicts are 30 years of age at diagnosis, women infected sexually are 35, and those infected by blood transfusions are 49.

These statistics show that women are becoming more vulnerable to contamination, for a variety of biological, social, cultural and economic reasons.

The risk of mother-foetus transmission has been reduced to 5 per cent thanks to treatment available to the mother.

AIDS is still a public health problem. In this context, a Ministry of National Education circular of 15 April 1996 entitled "AIDS prevention in schools: sex education" introduced compulsory sex education sessions, lasting a minimum of two hours, for pupils in the fourth and third years of vocational colleges and technical schools.

In November 1997, the Ministry of Health held a symposium entitled "Women and HIV infection in Europe", which addressed all the problems relating to HIV. The objectives were to review the situation and set priorities.

Very soon afterwards three films were made. The first concerned the epidemic and women, the second gave the women's groups most closely involved an opportunity to express their views, and the third concerned the events at the symposium. At the same time, two brochures were produced, the first in liaison with the National Centre for Information on Women and the Family, and the second aimed at women over 40 in particular. Also, the Ministry of Health funded activities for women, called AIDES and SIDA.INFO.SERVICE, which were implemented by associations.

The problem today is how to make the associations involved with AIDS more aware of women's problems, while incorporating AIDS prevention into the activities of women's associations.

Following the symposium, the French family planning movement was asked to become a partner in developing and implementing the first programme of prevention aimed at women.

5. Medical reproductive assistance and prenatal diagnosis

Medical reproductive assistance, based on in vitro fertilization and embryo transfer techniques, is now well developed and has attracted a large number of couples who could not otherwise have had children. Likewise, the techniques used in biological prenatal diagnosis have made it possible to diagnose a growing number of diseases in the womb. The diversity of these techniques and

the ethical problems they pose, particularly in cases concerning gametes donated by a third party, require a more clearly defined legal framework.

That need was met, after lengthy consideration, by law No. 94-654 of 29 July 1994 concerning the donation and use of body parts and products, medical reproductive assistance and prenatal diagnosis. This law is due to be revised, after evaluation by the Parliamentary Office for Evaluation of Science and Technology Options, by 1999 at the latest.

(a) Medical reproductive assistance

This form of assistance was used to produce 16,500 births between 1986 and 1996. The average annual number of births produced by all such techniques is now about 4,500.

Article L. 152-2 of the Public Health Code, introduced by law No. 94-654 of 29 July 1994 concerning the donation and use of body parts and products, medical reproductive assistance, and prenatal diagnosis, stipulates the following:

"Medical reproductive assistance is designed to respond to a couple's request to become parents.

Its aim is to correct medically diagnosed infertility. It may also be used to prevent transmission to the child of a particularly serious disease.

The man and woman forming the couple must be alive, of child-bearing age, married or able to provide proof of at least two years of shared existence, and must consent in advance to embryo transfer or insemination."

The law distinguishes between medical reproductive assistance within a couple and that involving a third party donor; the latter may be performed only as a last resort when the former has failed (art. L. 152-6 of the Public Health Code).

As an exceptional measure, when every other medical option has been exhausted, the law allows a couple to receive a surplus embryo from another couple who have given their consent in writing. A Council of State decree must state the conditions under which the procedure took place. A child born through a donation procedure is protected from refusal of paternity by the Civil Code. Surrogate motherhood is illegal.

(b) Prenatal diagnosis

The law of 29 July 1994 defines the purposes of prenatal diagnosis. According to article L. 162-16 of the Public Health Code:

"Prenatal diagnosis concerns medical practices designed to detect a particularly serious defect in the embryo or foetus in the womb. It must be preceded by genetic medical counselling."

The same article then subjects to ministerial authorization the practice of cytogenetic and biological analysis for the purpose of prenatal diagnosis.

However, clinical prenatal diagnostic processes such as ultrasound scans remain free of such restriction.

Finally, article L. 162-16 provides for the establishment of pluridisciplinary prenatal diagnosis centres. Moreover, under law of 1994 a doctor practising in a pluridisciplinary prenatal diagnosis centre must certify that a voluntary termination of pregnancy has been carried out for health reasons based on the strong probability that the child would have been born with a defect such as those described in article L. 162-12 of the Public Health Code (art. 13 amending art. L. 162-12 of the Public Health Code on voluntary termination of pregnancy for health reasons) or, in the case of in vitro fertilization, that biological diagnosis based on cells removed from an embryo in vitro indicates a strong possibility of the child being born with a particularly serious genetic condition recognized as incurable at the time of diagnosis (art. L. 162-17 of the Public Health Code).

Under the terms of Decree No. 97-578 of 28 May 1997 concerning pluridisciplinary prenatal diagnosis centres, the centres approved by the Ministry of Health are intended to provide skilled clinical and biological services, not only for pregnant women on the basis of direct access but also for doctors having difficulty making a prenatal diagnosis. The centres must also provide training in prenatal diagnosis.

Decree No. 95-559 of 6 May 1995 concerning cytogenetic and biological analysis used for prenatal diagnosis in utero provides that genetic counselling must be given before samples are taken, and that the pregnant woman must give written consent to the proposed tests.

Whether the medical assistance is provided for reproduction or for prenatal diagnosis, in order to ensure quality control the law makes the establishments concerned subject to a system of ministerial authorization (regulating the arrangements already in place), with designated practitioners in the centres being held responsible for what is done. Approved establishments must submit an annual report of activities to the Ministry of Health.

6. Sexual mutilation

According to a recent survey conducted by one of the French associations best informed about female sexual mutilation, "Women for the abolition of sexual mutilation and other practices harmful to women's and children's health" (GAMS), this practice affects 30,000 women and young girls in France, most of whom come from sub-Saharan Africa.

In 1992, the Île de France Regional Delegation on Women's Rights brought together associations with 10 years experience of preventive activities in the field in order to produce a source of information intended for mass distribution. In 1994, a booklet entitled "We protect our girls" was made nationally available, together with a poster.

Since Law No. 92-683 of 22 July 1992, reforming the general provisions of the Penal Code, entered into force on 1 January 1994, the new Penal Code has made duress leading to mutilation illegal and subject to severe punishment

(arts. 222-9 and 222-10). If the victim is a child under 15, the maximum penalty is a prison term of 15 years, or 20 years if the offence has been committed by parents or grandparents.

The same year, a circular on the integration of immigrants (Circ. DPM 94/42 of 19 December 1994) ensured that prevention of sexual mutilation was included in the action plans of the departments with immigrants (Île de France, Nord, Oise, Bouches du Rhône, Rhône, Seine Maritime and Eure).

Some departmental committees concerned with violence against women have set up working sub-groups to address the problem of sexual mutilation.

At the same time, specialized associations have provided training on the medical, legal, social, psychological and ethnological aspects for professionals coming into direct contact with the population concerned.

Finally, a large number of documents have been produced at the initiative of the Department of Women's Rights and some associations: information booklets, videos, training programmes, audio-cassettes in five African languages, etc.

The Department of Women's Rights continues to provide funding for the associations and socio-medical teams operating in this sphere, examples being CAMS (Committee for the abolition of sexual mutilation) and the above-mentioned GAMS.

Recent legal developments

A policy of prevention combined with legal action has brought about a sharp decrease in sexual mutilation.

The legal action has two main aspects:

- intervention by the children's judge, who can institute protective measures if plans to perform a circumcision in France or abroad are brought to his/her attention;

- punitive measures after a circumcision is reported.

It has been recognized that the publicity given to the trials of female practitioners of circumcision, and of the parents, has made the doctors, social interest groups and families involved more aware of the need to end the practice of sexual mutilation.

In February 1999, a trial that took place at the Paris Assize Court, triggered by a complaint made by a girl circumcised as a small child, caused a great stir. She brought an action against the woman who had performed the circumcision and her own mother, who was flanked by 24 other parents identified from the practitioner's address book which the police had confiscated.

Forty-eight victims of child circumcision were identified, and for the first time the Assize Court awarded damages and interest as compensation for injury (80,000 francs for each child circumcised).

The woman who had performed the circumcisions was sentenced to eight years in prison, the girl's mother to two years, and the other parents received between three and five years of suspended sentences.

The trial gave most of the victims old enough to express themselves the opportunity to state their desire for justice, being fully aware of the injury they had suffered in the name of a tradition which they wished to see disappear.

7. Elderly women

On 1 January 1996, France had 6,804,660 female inhabitants over 60 years of age, of whom 2,424,151 were over 75.

On that date women over 75 years of age accounted for 6 per cent of the total population, compared with 4 per cent for men. These trends are set to continue in the future.

French women have the second longest life expectancy in the world (82 in 1996). Although their life expectancy is longer, women have more years of poor health than men. Women's longevity also brings other problems relating to dependence and solitude.

Forty-five per cent of women are already widowed by the age of 60.

Only 60 per cent of women between 60 and 69 years of age live in a couple, compared with 82 per cent of men of that age.

Forty-eight per cent of women over 75 live alone.

It is estimated that, after the age of 65, women live alone for more than half of their remaining years.

Women's over-consumption of psychotropic medicines is an indication of the psychological difficulties their isolation causes.

In the past 30 years, the number of people living in institutions has increased. Today, 7 per cent of women over 65 do so, compared with 5.9 per cent in 1968.

Moreover, certain health problems related directly to ageing, such as osteoporosis, affect one quarter of women by the age of 60 and two thirds by the age of 70. The incidence of hip fractures is twice as high among women as among men, and after 60 it increases exponentially with age.

Once the ovaries stop secreting estrogen with the onset of menopause, bone loss accelerates as a function of age. Thanks to hormone replacement therapy, the risk of bone fractures can be reduced by half, the risk of spinal curvature by three quarters, and that of heart attack by 50 per cent.

Since 1995, a series of measures to tackle ageing and dependence have been introduced, or soon will be. They serve a triple purpose:

- prevention of diseases whose frequency increases with age;

- fair treatment and improved quality of life for the elderly and their care-givers;

- improved training in gerontology and more support for research on the ageing process.

Disease prevention

Among the problems for which it is possible to take preventive measures aimed at improving women's health, the General Directorate for Health is concentrating its efforts on the following:

Osteoporosis, walking difficulties and loss of balance, falls, and nutritional disorders (all of which can lead to fractures).

A government initiative on osteoporosis is about to be submitted to the Secretary of State for Health. The objective of this public health programme is to reduce by 25 per cent, in 10 years, the number of fractures due to osteoporosis sustained by women aged over 60. The programme is based on recommendations derived from the collective expertise of INSERM: "Osteoporosis: strategies for prevention and treatment", commissioned by the General Directorate for Health and published in 1977. The three main priorities of the programme are:

- To provide health professionals with training in the prevention and care of osteoporosis and its effects;

- To provide information on osteoporosis and its effects for the benefit of (a) different age groups among the population, and (b) the media and other outlets;

- To evaluate osteoporosis screening campaigns and improve epidemiological knowledge of osteoporosis and its effects.

In terms of the progress made on health and social concerns, the situation of elderly women has already evolved and will continue to do so. In the course of a long life, women are still more likely than men to suffer gradual weakening and disability. In the future, certain ailments could be minimized or eliminated through prevention, or made more bearable by other means of assistance. Other deficiencies or diseases that appear with age, such as Alzheimer's disease, are not unavoidable and affect only a small minority of the population.

In recent years much research has been devoted to the idea of setting up assessment centres for the elderly, with the particular aim of diagnosing Alzheimer's disease early. They would be centres of expertise, located in hospitals and run by multidisciplinary teams comprising geriatricians,

psychologists and social workers, and able to call in other specialists directly. Set up jointly by hospitals and municipalities, they would be able to offer considerable assistance to general practitioners, who often lack the resources to deal with these problems.

It seems that elderly women's health is also conditioned by their past and present lifestyle and by their attitudes to work and private life. Their psychological balance, and thus their adaptability, appears to have a greater bearing on a healthy old age than the ups and downs of their life.

8. Violence against women

Detailed information on violence against women is not available as such. It is difficult to define exactly, since this is a complex concept encompassing many factors: rape, incest, marital violence, sexual harassment, and others. Also, many victims do not report offences for a variety of reasons (fear, pressure from people around them, ignorance of procedures, concern that their children will be taken away from them).

For marital violence, 17,000 complaints were made in 1995, not counting Paris (sources: Interior and Defence Ministries).

With regard to rape, the police record over 6,000 offences annually.

It should be noted that in the cities over 16,000 acts of violence against women are brought to police attention every year and that, in some highly urbanized areas, marital violence accounts for over half the emergency calls.

Although these numbers are rising, it is difficult to draw the conclusion that violence is on the increase. Mainly because of the information campaigns conducted regularly by the authorities and the support provided for women by the associations, the proportion of victims who report violence is going up all the time.

Marital violence

Law No. 92-684 of 22 July 1992, which reforms the provisions of the Penal Code relating to the punishment of crimes and offences against the person, makes specific provision for violence committed "by the spouse or partner of the victim". Articles 222-7 et seq. penalize violence against persons, and the personality of the perpetrator (spouse or partner) can be taken as a circumstance entailing possible aggravation of the penalties applicable to these offences. It should be noted that any violence committed by a spouse or partner is now an offence, whatever the resulting incapacity for work.

These provisions entered into force in 1994.

French law thus clearly condemns marital violence on principle: assessment of the injury suffered (appraisal being very subjective) has no bearing on the status of the offence, although it may affect the severity of the penalty.

With the application of the new Penal Code since 1994 has come a systematic increase in the penalties for violence committed by a spouse or partner. Recently, an interministerial circular concerning measures to combat violence against women within a couple was signed by the Ministers of Employment and Solidarity, Justice, Interior, and Defence.

Sexual violence

The main new development has been adoption of the Law of 17 June 1998 concerning prevention and punishment of sexual offences and protection of minors.

This law introduced: (a) a new additional penalty for perpetrators of sexual offences; (b) the status of minor as victim and (c) increased penalties for sexual interference with minors.

(a) A new additional penalty: socio-judicial monitoring of perpetrators of sexual offences

On leaving prison, the perpetrators of sexual offences may now be made subject to surveillance and a care order, if sanctioned by expert opinion.

This penalty may not to be executed in prison, whatever the cause of incarceration. The law nevertheless provides the convicted person with an incentive to begin treatment upon detention: if he refuses treatment, he loses any reductions on additional penalties.

Detention must take place in a special establishment that provides suitable medical and psychological monitoring.

Under the law, a coordinating physician is responsible for implementation of a care order.

The convicted person must satisfy the judge responsible for application of the sentence that he has complied with his obligations and followed his treatment. In the event of non-compliance, the same judge may order his imprisonment.

To facilitate the task of identifying and locating perpetrators of sexual offences, a national database containing the genetic imprints of convicted offenders has been set up.

(b) Introduction of the status of minor as victim: the main points

An ad hoc administrator must be appointed when the protection of a minor's interests is not fully assured by his legal representatives.

The hearing of evidence from a minor may be recorded so as to spare him the traumatic experience of repeating details of the ill treatment he has suffered.

Certain associations are allowed to institute a civil action to defend or assist abused children.

A third party may be present when a victimized minor gives evidence, to assist him: this may be a psychologist or physician, a member of the family, or an ad hoc guardian.

In the case of certain offences against a minor, a decision to take no further action must be accompanied by written justification and notification.

Minors may have to undergo medical and psychological examination in order to determine the nature and extent of the injury they have suffered.

The cost of treatment necessitated by this brutality may be reimbursed in full from public health insurance funds.

All these measures bring France into compliance with its international commitments, such as the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Other Persons of 2 December 1949, the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950, articles 34 and 36 of the International Convention on the Rights of the Child of 20 November 1989 relating to protection against sexual exploitation, kidnapping, sale or trafficking of children, and any form of exploitation and, more recently, the declaration and plan of action adopted by a large number of States, including France, at the Stockholm Congress.

(c) Strengthening of penalties for sexual interference with minors: new statutes creating offences

It is forbidden to supply minors with certain kinds of material in digital form: particularly video cassettes and discs, or electronic games, etc. In the event of non-compliance, the penalty is one year in prison and a fine of 100,000 francs, and 2 years imprisonment and a fine of 200,000 francs if fraud is involved.

A special offence of "hazing" (group intimidation of an individual) has been established: "where a person is induced, against his will or not, to submit to or commit humiliating or degrading acts at events or meetings held in schools or socio-educational establishments" (six months imprisonment and a 50,000 francs fine). When a hazing offence occurs, the criminal liability of legal persons (such as former pupils' associations, educational establishments, travel agencies, etc.) may be invoked.

Measures against sexual tourism have been strengthened, mainly by introducing the possibility of holding legal persons accountable; an example might be the institution of proceedings against travel agencies in connection with procuring or sexual tourism.

Rape is punishable by 15 to 30 years in prison, depending on the circumstances. The time limit for reporting an offence has been increased to 10 years after the age of majority for rape committed on minors by a relative or person in authority.

The number of convictions for wilful assault between spouses or partners was 4,677 in 1996, the latest year on which the criminal records office has figures. Between 1994 and 1996 the total increased six fold.

The increase is due to the new definitions applied to these acts since 1994 under the New Penal Code. It is noteworthy that the largest increase (600%) concerns cases of wilful violence followed by less than eight days of complete incapacity for work.

(a) Regulations defining State action: ministerial circulars

Following the two ministerial circulars of October 1989 and April 1992, two circulars were issued referring to the need to continue efforts to combat violence against women. One of these, dated 11 September 1996, invited the network of female regional officers and official representatives to continue making a special effort in this sphere.

This circular, relating to the departmental action committees to combat violence against women, again emphasized the central role of the committees, which meet under the chairmanship of the prefects who establish them. They comprise representatives from the central government services in the department and from all the agencies and associations concerned with the problem.

The committees' task is therefore to consider all matters relating to violence, after taking stock of the situation in their department, with special emphasis on the following points:

- facilities for interviewing, receiving and sheltering women;
- women's and the public's information requirements;
- consciousness-raising and training for police officers, the constabulary and social workers;
- relations with the legal services;
- research on prevention;
- problems of rehousing women who are forced to leave home.

The committees concentrated first on marital violence. They have now been recommended to extend their work to other forms of violence: sexual violence and assault, and sexual harassment at work.

Over the years, the work of these committees has revealed the extent of the violence against women. Where they exist - not all departments have them - they have brought to the attention of all concerned not only the problem's existence, but also its consequences for the individual and for society.

This has made it possible to find specific local solutions geared to the problems encountered and the needs identified.

In March 1999 a new circular was published concerning measures to combat violence against women within the couple.[9]

Since measures to combat violence against women within the couple have been made a ministerial priority, the Ministry of Employment and Solidarity decided to have a circular issued jointly with the Ministries of the Interior, Justice and Defence in order to enhance awareness among their various local departments.

The first part of this circular recalls the legislation applicable to the physical and sexual violence that women suffer within couples. The second part is devoted to the conditions for a partnership of institutions needed to address the phenomenon of violence, and the third part shows the response given to victims in terms of the care and treatment provided by the police, units of the constabulary and judicial services. Finally, the last part describes the arrangements under which victims of violence committed in private are looked after and compensated.

(b) State action has also taken the form of providing funding for two permanent national "hot lines" for reporting marital and sexual violence

One such line, set up in 1992, is intended for women and professional workers who encounter this problem.

It is supported by a 60-member federation of battered women's associations called the "National Federation for Women's Solidarity".

This service is developing a databank so that victims can be guided to local sources of information and help.

Since its inception, over 130,000 calls have been logged, of which around 50,000 (40-45%) could be dealt with (in 1996 there were 130,000 calls, of which 11,000 could be dealt with): two thirds of the calls are from women themselves and one third are made by their relatives and friends or by professional workers.

Nineteen female staff members work 240 hours per week, making it possible to reply to 300 calls per week. The service operates from 8 a.m. to midnight from Monday to Friday and from 10 a.m. to 8 p.m. on Saturdays.

For sexual violence, a permanent national "hot line" has existed since 1986, operating from Monday to Friday from 10 a.m. to 6 p.m. Run by the Feminist Collective against Rape, this has received 88,000 calls on its toll-free lines since it began (victims, requests for information and professional workers).

In 1997, the service's three staff received 8,300 calls.

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[9] cf. annex.

In addition, 10 volunteers help with the hot line and other activities, including awareness campaigns, training and prevention activities, and support groups for female rape victims.

The aims of the Collective are to combat rape, support victims, expose sexual violence, make the public aware of these issues and provide information for professionals called upon to deal with rape victims.

In 1996, the Ministry with Special Responsibility for Women's Rights decided to make increased funding available for the care of rape victims. Twenty reception and support centres consequently received funds from the authorities in 1996 and 1997, either to establish a completely new facility or to strengthen an existing poorly equipped one.

Also, additional funding has been provided for the permanent hot lines, particularly the one dealing with marital violence, enabling them to extend their hours of public availability in 1997.

(c) The measures to combat violence against women also include training, seen as a constant priority.

All women's rights officers attend a training session on average once a year. In March 1996, the session focused additionally on relations with judicial services: magistrates must also be made aware of the seriousness of the problem so that judicial services can react with appropriate speed and quality. Magistrates were therefore invited to the session, together with experts from Quebec who came to share their experience. An introductory lecture organized by UNESCO brought together leading experts from the United States, Ethiopia, Mexico, Canada, Spain and Italy, who reported on their efforts to combat violence against women.

Training courses are also held regularly for the police and the constabulary by women's rights committees and the specialized associations.

It is clear that the measures to combat all forms of violence against women cannot be strengthened without interministerial action. Accordingly, meetings were held in 1993 and 1994 to draw up intervention guidelines for use in situations of marital violence by the police, the constabulary, health professionals and social workers. The guidelines, co-signed and distributed jointly by the Ministerial departments concerned, address the following issues: removing violence from its private and interpersonal context so as to present it as a global problem; finding an explanation for the mechanism and seriousness of violent acts; enabling women to exercise their rights by making professionals responsible for informing them, and by allowing victims to provide proof of the violations suffered; and encouraging professionals to develop a preventive mindset, especially with regard to repeat offenders.

The guidelines were issued in 1994 and 1995, since when they have been widely distributed and regularly reprinted.

(d) In the research sphere, the Secretariat of State for Women's Rights decided in 1997 to sponsor the first phase of a national survey on violence against women. A pilot survey was carried out in 1998 based on a small sample.

The research team has submitted an initial report. The second phase will comprise a national qualitative survey in 1999 and 2000 intended to provide an overview of the different types of violence and evaluate the action taken by the various interested bodies.

ARTICLE 13

(Social and economic advantages)

1. Family benefits and the latest reforms

Family benefits which help families to support the children for whom they are responsible and cope with certain specific situations are granted under strictly identical conditions, regardless of whether the recipient is a woman or a man.

(a) Home child-care allowance: Social Security Code (arts. L 842-1 to 842-4).

This allowance was established by the Law of 29 December 1986 with the dual objective of diversifying types of care for young children and supporting efforts to create local jobs.

Various legislative measures, particularly the Law on the Family of 25 July 1994, have made the benefit a far more attractive option. This benefit may be received concurrently with the tax relief for home work, which has also undergone a considerable increase: 50 per cent of expenditure up to a limit of 90,000 francs since 1995, representing tax relief of up to 45,000 francs.

The 50,000 families receiving this benefit, all with average or high income, represent only 15 to 23 per cent of the original target. Most of them have two or more children. The great increase seen since 1995 is mainly due to the extension of the benefit to include children aged from 3 to 6 years. The cost of the family component was 1.6 billion francs in 1996, to which must be added the cost of the tax relief.

It is clearly important to retain diversity of care. However, the increased funding given to this benefit in the past two years means that this type of care is most heavily subsidized, although available to only a very limited number of families.

With a view to restoring the balance in publicly funded care, article 24 of the Social Security Finance Law for 1998 (Law No. 97-1164 of 19 December 1997) stipulates reduced reimbursement of social security contributions paid for a person employed in home care. This provision complements the provision under the Finance Law for 1998 setting the tax relief for work at home, which now has a ceiling of 25,000 francs.

The amount of reimbursement of contributions for home child care has now been set by decree at 50 per cent for:

- families who have home care provided for a child under three and whose annual net income exceeds 300,000 francs. Their contributions will be met up to the amount of 6,418 francs per quarter instead of the current 12,836 francs;

- families with a child between 3 and 6 years of age will have their contributions met up to the amount of 3,209 francs per quarter compared with the current 6,418 francs.

However, to mitigate the effects of this measure, in 1998 only, the level of the contributions reimbursed will be 75 per cent in respect of care for a child under three, provided that the household's net annual income is below a ceiling of 300,000 francs.

Financial assistance for the care of young children also includes a family grant for employing an approved mother's helper. The amount of this benefit, governed by articles L 841-1 to 841-4 of the Social Security Code, corresponds to the amount of social security contributions payable for employing a mother's helper. These contributions are paid directly by the CAF to URSSAF, and the tax relief for child-care costs amounts to 25 per cent of net expenditure, up to a limit of 15,000 francs per child under seven (maximum 3,750 francs). Since 1 January 1992, this grant has been supplemented by an additional monthly sum indexed to the basic monthly family allowance and varying according to the age of the child receiving care. The current amount is 811 francs for children under three and 406 francs for children from three to six years of age.

The consistent upgrading of the benefits offered by this grant has led to a regular increase in the number of families receiving it; there were 364,000 by the third quarter of 1996.

However, it is mainly families with average to high incomes which use mothers' helpers. The relative cost of this type of care increases in inverse proportion to income under the combined effect of tax relief and nursery-school charges (beyond 2.5 times the SMIC (guaranteed minimum wage) per household, a mothers' helper costs less than a nursery). Conversely, it is evident that the fixed cost of a mothers' helper, combined with the fact that benefit is also paid at a fixed rate, implies appreciably more effort on the part of low-income families.

(b) Extension of the parental care allowance (APE) to the second child.

The Law of 25 July 1994 concerning the family allowed families with two children to benefit from the parental care allowance previously paid only from the third child onwards.

This allowance, previously paid only to parents who had given up all professional activity to bring up their children, was extended to allow partial payment to parents working part-time. Also, for multiple births beginning at

triplets, the allowance is now payable until the children reach six years of age.

These provisions entered into force on 1 July 1994 for children born after that date, and were supplemented from 1 January 1995 by a partial family care allowance payable to each member of a couple when both work part-time.

At the end of the second quarter of 1997, the organizations responsible for paying family benefits under the general system had provided a full-rate allowance for:

- 149,490 families with three children;

- 220,243 families with two children.

On the same date, partial payment had been made to 92,523 families.

The National Family Allowance Fund (CNAF) has commissioned a report on "What becomes of women with two children after the parental care allowance."

This survey shows the effects of the exclusion from the job market of women who received the allowance and wish to return to work.

2. Recreational activities and sports

The Ministry for Youth and Sports attaches high priority to initiatives intended to improve women's access to sports, and to the recognition of equal status in professional and amateur sporting activities.

The gap between men and women is decreasing

In her closing speech to the national "Women and sports" meeting on 30 May 1999, the Minister for Youth and Sports identified three major areas of activity:

- encouraging women's access to all types of sporting activity;

- working to democratize organizations and procedures;

- achieving recognition for sportswomen and women's sports.

A standing commission to monitor women's sports is to be set up in the near future. Its mandate will be to assess the impact of the policies introduced and to monitor women's changing situation.

The measures taken since the beginning of 1998 have been motivated by the acknowledgement that there exists a wide discrepancy between, on the one hand, the number of sportswomen, their performance, and their desire to practise sports and, on the other, persistent discrimination.

For that reason, steps have been taken to identify areas of discrimination, with a view to putting in place policies designed to promote equal access to titles and qualifications.

An initial meeting held on 6 March 1998 attracted the enthusiastic interest of sportswomen, most of whom committed themselves to actively supporting this policy. They did so on a voluntary basis, within the context of their work but at the cost of considerable personal effort.

The contributors were all women, sportswomen in particular, who spoke on topics relating to women's needs and concerns in the sporting world.

Significant progress has been achieved in a few months, above all in terms of establishing policy approaches.

There is now a section concerned with "Women and sports" attached to the central and local offices of the Ministry for Youth and Sports.

Finally, the Ministry for Youth and Sports has begun working on a number of areas of general interest, including the need for gender-specific statistics, the feminization of titles and posts, and the promotion of women to posts of responsibility.

Associations: greater involvement of women

Men are still far more likely than women to be members of an association: 49 per cent of men in 1996 stated that they were members of an association, compared with 37 per cent of women. The gap decreased between 1983 and 1996. Fifteen years ago, 52 per cent of men were members, and 34 per cent of women.

Despite women's growing participation in associations, they are only marginally represented on boards and administrative committees.

Certain types of association are particularly well frequented by women, and already were in 1983, such as school parent committees, religious associations and retired persons' clubs.

Men prefer associations that have connections with their occupation, such as trade unions or company organizations for retirees. As they still graduate in greater numbers from the "Grandes Ecoles", men are still over-represented among the membership of those former pupils' associations. In other spheres, formerly male-dominated, women have become the majority. Examples are humanitarian and cultural associations.

ARTICLE 14

(Rural areas)

(Reservation of France:

1. The Government of the French Republic declares that article 14.2 (c) should be interpreted as guaranteeing that women who fulfil the conditions relating to family or employment required by French legislation for personal participation shall acquire their own rights within the framework of social security.

2. The Government of the French Republic declares that article 14.2 (h) of the Convention should not be interpreted as implying the actual provision, free of charge, of the services mentioned in that paragraph).

As noted in the previous report, the circumstances and living conditions of the population in French rural areas do not differ greatly from those in towns and cities. The idea of a rural way of life is now being replaced increasingly by the concept of locality.

Nevertheless, some particular features can be pointed out.

(a) Partnership activities

Several studies and surveys on the situation of women in the rural environment have been conducted in regions and departments since 1996.

They have focused mainly on:

- the increased difficulties faced by women in the rural environment in carrying out a professional activity, owing to lack of public transport and child care;

- a female unemployment rate that is often higher than in the cities;

- traditional training that is often unsuited to the women's needs. In this regard, it is planned to introduce local training opportunities offering a greater range of individual options more in line with the jobs offered locally;

- women's isolation in the rural environment (more single-parent families and a marked tendency for parts of the population in some departments to be excluded);

- the absence of information about obtaining access to entitlements and assistance through local services (administrative, child care).

Some studies have concluded that tele-working offers a likely avenue of job creation. More generally, the introduction of local services seems a possible source of female employment.

Regional officers and officials from the departments have lent their support to numerous training activities designed to complement job-creation projects for women in the rural environment.

(b) Spousal status

The inequality of status between men and women working in a family enterprise is gradually disappearing.

In order to maintain the numbers of people working on farms, they must all enjoy equal rights and status.

A law on agricultural matters adopted at the beginning of 1999 contains a chapter on "the status of spouses working on farms or in enterprises and of retired self-employed farm-workers".

The contribution of women is often the factor that determines whether smallholdings remain viable in difficult areas, and it must therefore be recognized. Accordingly, farmers' spouses who do not wish to become partners or company associates must be provided with a new status that is not simply status by default, as is the case currently with "spouse participating in work", which does not ensure adequate social protection.

1. Status of collaborating spouse

The new status of "collaborating spouse", which is chosen and not imposed, will gradually replace the current status.

A spouse who opts for collaborating spouse status will acquire the rights not only to a fixed pension but also to an earnings-related pension, up to a limit of 16 units a year conditional upon payment of a 12.5 per cent contribution by the head of the enterprise, using a basis of assessment fixed at 400 SMIC. At the end of a full career of 37.5 years, the spouse could be paid a full retirement pension (fixed plus earnings-related pension) of 29,750 francs (at 1998 values), which constitutes a 71 per cent improvement on the current situation. In order to accelerate the introduction of this reform, linked to the gradual acquisition of entitlement to a proportional pension, the option of purchasing pension units will be provided, as well as the assignment of units without charge to spouses retiring after 1998.

2. Improved replacement allowance

Currently only one woman in three working in agriculture applies for a maternity replacement grant. This situation, alarming in its public health implications, is mainly due to the additional costs incurred by the farmer. The abolition of the beneficiary's contribution, currently amounting to 10 per cent, should lead to increased use of the replacement option, which applies to spouses participating in work as well as those with associate or partner status.

3. Spouse's deferred salary credit

Lastly, as for artisans and merchants, it is planned to establish a credit for the surviving spouse of the head of an agricultural concern who has participated in its work for at least 10 years without sharing in the profits. The credit will amount to three times the value of the annual SMIC, up to a limit of 25 per cent of the estate.

In 1996, the category of "artisan collaborating spouse" was created. This constitutes recognition of the skills acquired while working.

Most of these measures were cosponsored in the framework of the European NOW programme (National Organization for Women), and cover a wide range of activities.

Under the EREF arrangement (Jobs and Training for Rural Areas), an active partnership has been established whereby the Department of Women's Rights alternates with other partners in providing continuously staffed Women's Rights Information Centres (CIDF) and cosponsoring specific activities for women in the rural environment.

Partnerships intended to benefit women in the rural environment have also been set up with regional councils and committees, and women's agricultural federations.

Likewise, in the planning contracts concluded between the Government and the regions for 1994-95, eight out of twenty-six regions included specific measures for women, covering information, qualifying training, more professional options, and professional equality and women's advancement in enterprises, constituting a total investment of 40 million francs over six years.

(c) Training for women in the rural environment

Since 1991, an open training programme for women in the rural environment, using multimedia resources, has been run by the Department of Women's Rights within an interministerial framework.

Open training allows periods of distance learning and monitoring to be alternated with attendance at the training centre. Women in the rural environment have little access to traditional forms of training because of problems of distance and lack of availability, which this kind of system can resolve.

Following a number of field planning studies to determine the training needs of rural women (from September 1991 to May 1993), from 1994 the open programme also included two innovative training schemes run as an experiment at four pilot sites:

- From January to June 1994, training in fish-farm management for farmers' spouses, based on an educational software package (6 months training comprising 230 hours of independent study alternating with 170 hours at the training centre). This system provides further

training for fish farmers' spouses and also offers the spouses of sea-fishermen the opportunity to diversify their professional activities.

- From January to May 1994 at three pilot sites, 200 hours of pre-training concerned with the creation of service jobs in the rural environment, using various resources such as paper documents, videos and games (5 months of training comprising 100 hours of independent study alternating with 100 hours at the training centre).

This training is designed to lead to job-creation projects concerning women in the rural environment (farmers, spouses of artisans and merchants, employees seeking a change of job, unemployed women, etc.).

At the conclusion of the experiment in late 1994, these innovative activities were evaluated and found to be applicable to other areas. Since then, these teaching materials and methods have been widely used.

ARTICLE 15

(Equality before the law)

Equality before the law is a constitutional principle that is manifested in all spheres (see previous report).

ARTICLE 16

(Matrimonial and family law)

(Reservation of France:

The Government of the French Republic declares that article 5 (b) and article 16.1 (d) of the Convention must not be interpreted as implying joint exercise of parental authority in situations in which French legislation allows of such exercise by only one parent.

The Government of the French Republic enters a reservation concerning the right to choose a family name mentioned in article 16.1 (g) of the Convention).

Many types of family

Fewer births and marriages, more unmarried cohabitation and births outside wedlock, more divorces and separations, more single-parent families· for several years these demographic and social indicators have meant for some that the family is in crisis, while for others they signify the need to re-think the nature of family groups, whose increased variety implies legal changes as well as changes in personal and social behaviour.

There has been a noticeable change in the composition of couples. Even though marriages rose slightly in 1996 (279,000, a 10 per cent increase over 1995), the National Institute of Demographic Studies (INED) has pointed out the

possible correlation with changes in tax law introduced the same year which abolished the reduction enjoyed by unmarried couples with dependent children. However, it should be noted that those new tax measures really constitute an incentive only when incomes, numbers of dependent children and salary differences between partners are large.

Cohabitation outside marriage has increased to the point where it is now the usual type of couple. INED surveys reveal that only one couple in 10 now marries at once, the other nine preferring to live together first.

Today, more than one marriage in five is preceded by the birth of one or more children, which is more than double the rate at the beginning of the 1980s.

It is now recognized that the unmarried couple represents, in ever increasing majority, an alternative means of forming a couple and a family. This equality in conjugal options is clearly apparent from the number of unmarried unions ("concubinage"), which now account for 20 per cent of couples compared with 3.6 per cent in 1975. In 1995, the level of births outside wedlock was 37 per cent.

The law fully reflects these changes. Civil law, it is true, continues to ignore unmarried union as a de facto situation, but the rules on exercise of parental authority (see above) amount to implicit recognition of the natural family. Social legislation increasingly equates unmarried union with marriage, particularly as regards welfare and right to housing; in fiscal matters, the reduction of the tax advantages enjoyed by couples living together by the Finance Law of 1996 has placed married and unmarried couples on the same objective footing. That does not mean that persons living together but taxed separately enjoy special tax status.

The law increasingly admits the existence of unmarried unions, in the plural rather than the singular, since many legal experts hold that it is difficult to apply a unified treatment to situations of simple fact. However, the disparity of situations and entitlements depending on types of union and the social desire for recognition of these types of union (whether heterosexual or homosexual) have repeatedly posed the question of their status.

Unmarried heterosexual union is still a precarious legal entity that creates no obligations between the parties and produces only the effects for which the law expressly provides. A homosexual union is, a fortiori, excluded from this category of simple fact. In its judgements of 11 July 1989, the Court of Cassation determined that unmarried unions were capable of producing legal effects, and also found that such relationships could involve only "a couple consisting of a man and a woman".

The issue of equal rights for homosexual couples, and for all the new forms of cohabitation outside marriage, is now the focus of an increasing social pressure by individuals.

Under a bill now being examined by Parliament, two people of the same or different sex would be permitted to draw up a contract called a PACS (Civil Solidarity Pact) as a basis for dealing with their joint affairs, including

inheritance matters. Unlike marriage, the PACS would not affect the rules relating to parental authority, filiation, adoption and medically assisted reproduction.

Homosexual unions would be legally recognized.

The Ministry of Justice is conducting a study of the whole issue of people living together without being married, "in order to determine the areas, particularly regarding economic and social matters, housing and transport, in which equality of rights must be more clearly asserted".

The phenomenon of people taking an individualistic approach to the organization of their private lives is producing an effect on divorce rates.

After a brief decline at the end of the 1980s, the annual number of divorces has begun to rise again, exceeding 120,000 in 1995. Demographic experts indicate that divorce will affect one couple in four in the regions, and one couple in three, or even two, in Paris.

Adoption

(1) The adoption grant

The law on the family instituted a grant payable specifically to families that adopt a child or provide care with a view to adoption. At the end of 1996, the allowance was paid to 1,085 families, including some 2,000 children.

The Law of 5 July 1996 on adoption and Decrees Nos. 97-418 and 97-419 of 25 April 1997 changed the conditions under which the grant is made, remodelling them on the conditions applicable to the young children's grant. Since 1 August 1996, the grant has been paid from the time of children's arrival at the home of their adoptive parents, and has been made conditional upon the latter's resources (the resource ceilings used are the same as for the young children's grant). The adoption grant is paid for 21 months (instead of six) for each adopted child. The amount of 969 francs per month is the same as that paid currently for a young child.

(2) Law No. 96-604 of 5 July 1996 reforming adoption

The adoption reform instituted by the law of 5 July 1996 is the result of several studies and works of reflection, notably a report by Professor Mattei entitled "Children from here, children from there, adoption without frontiers." The reform marks the first stage of a turning point in the history of adoption, with further developments to come once France has ratified the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.

There are three major areas of reform:

(a) Child protection, involving measures to ensure that the conditions for adoption are right, whether in France or abroad, and measures that promote the adoption of all children, even those who are older or said to be hard

to adopt because of their health, disability or ethnic origin. In this category, these are the main new provisions:

- parents who have placed their child in the care of the State or have consented to his/her adoption will now be given two months (formerly three) to change their decision, in order to regularize the child's situation as rapidly as possible (arts. 5, 9 and 30);

- the right of expression of a child in care capable of exercising judgement has been strengthened; he/she will be systematically entitled to an interview with his legal guardian (the Prefect) when a decision regarding placement is to be taken (arts. 29 and 34);

- at the request or with the agreement of the adoptive parents, the social services can provide additional support for at least six months from the adopted child's arrival in his new home, so as to facilitate his integration (art. 44);

- fostering may now be approved in the event that a full adoption should fail (arts. 13 and 16);

- prior to ratification of the Hague Convention, a central office dealing with international adoptions will be established, and the system of State-aided authorized and approved intermediaries will be streamlined (arts. 40, 41, 42 and 56);

- the rules relating to full adoption of a spouse's child have been relaxed (art.4).

(b) Simplification and relaxation of the procedures applicable to future adopters, who will enjoy the same rights to social support as other parents with, in their case, the adoption being treated in the same way as a birth (art. 45). Here, the main measures are:

- lowering of the minimum age for an adopter (to 28 years) and, in the case of an adopting couple, the minimum time they have been married (to 2 years);

- introduction of child benefit, subject to means, for people who adopt a child having been granted custody by the child welfare service (art. 36);

- six weeks unpaid leave for those who travel abroad (or to a DOM or TOM) in order to adopt a child and who may have to fulfil certain legal obligations in the child's country of origin, such as a period of temporary residence (arts. 55 and 59);

- establishment of the right to receive parental care leave (art. 54) and parental care allowance (art. 47) for one year, once the adopted child has attained three years of age, but before he/she has finished compulsory education.

(c) The creation of options enabling a balanced solution to be found to the delicate question of secrecy of origin - one that respects the biological parents, the adoptive parents and the child. These are the main proposals:

- a woman who gives birth secretly would be able to choose the child's first names (art. 24) and to receive psychological and social support from the child welfare service (art. 28);

- when a child is being handed over to the care of the State, if secrecy of identity has been requested only information not liable to reveal the identity may be compiled, under conditions to be set by decree of the Council of State, adopted after consultation with the CNIL (National Committee on Information Technology and Freedoms) (art. 31-3);

- the person handing over the child and requesting anonymity must be informed that there exists the possibility to make her/his identity known later, and the people involved in the lifting of secrecy must be informed (art. 31-4);

- a minor capable of exercising judgement (with assistance from a person approved for that purpose), his legal representative, or his adult relatives in direct line of descent, must be given access to the information compiled when the minor was placed in care of the State.

ANNEXES

1. Organizational chart of the Department of Women's Rights.

2. Decree No. 98-1069 of 27 November 1998 concerning the powers vested in the Secretary of State for Women's Rights and Vocational Training.

3. Decree No. 95-1114 of 18 October 1995 and Decree No. 98-922 of 14 October 1998 establishing the Monitoring Commission on Gender Parity.

4. Decree of 25 January 1999 on the appointment of the General Rapporteur of the Monitoring Commission on Gender Parity.

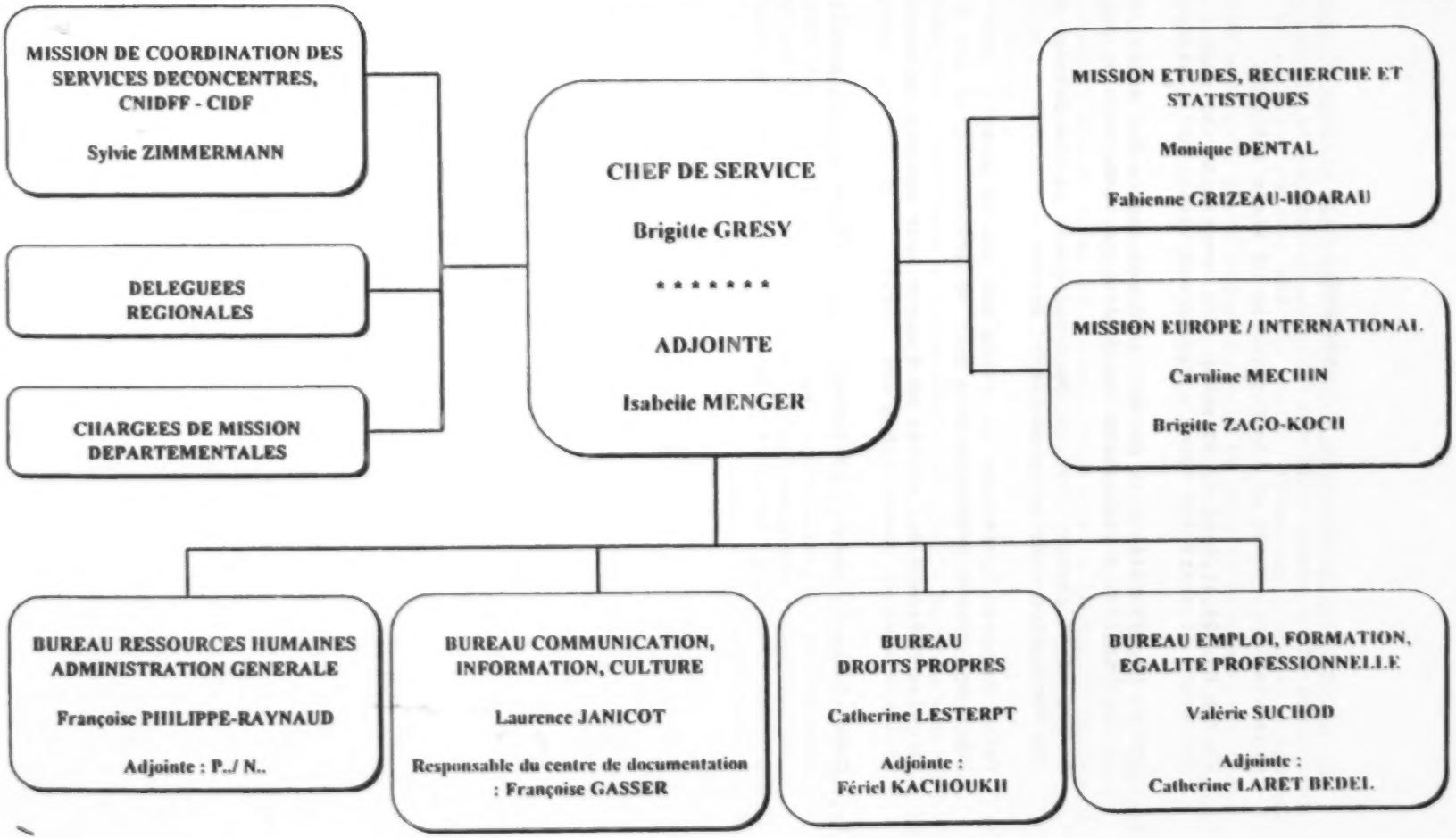
5. Paris European Conference on "Women and men in power": Declaration of Paris and French proposals on a plan of action.

6. Circular MES/SeDF No. 980014 of 8 March 1999 concerning measures to combat violence against women within the couple.

7. Constitutional Law No. 99-569 of 8 July 1999 on gender equality.

Ministère de l'Emploi et de la Solidarité
Service des Droits des Femmes

09/09/1999



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Décret n° 98-1069 du 27 novembre 1998 relatif aux attributions déléguées à la secrétaire d'Etat aux droits des femmes et à la formation professionnelle

NOR : *MESX9802960*

Le Président de la République,

Sur le rapport du Premier ministre et de la ministre de l'emploi et de la solidarité,

Vu le décret n° 59-178 du 22 janvier 1959 relatif aux attributions des ministres ;

Vu le décret n° 90-665 du 30 juillet 1990 relatif à l'organisation de l'administration centrale du ministère du travail, de l'emploi et de la formation professionnelle et du ministère de la solidarité, de la santé et de la protection sociale, modifié par le décret n° 97-307 du 20 mai 1997 ;

Vu le décret n° 97-244 du 18 mars 1997 portant création d'une délégation générale à l'emploi et à la formation professionnelle à l'administration centrale du ministère du travail et des affaires sociales ;

Vu le décret du 2 juin 1997 portant nomination du Premier ministre ;

Vu les décrets du 4 juin 1997 et du 17 novembre 1998 relatifs à la composition du Gouvernement ;

Vu le décret n° 97-706 du 11 juin 1997 relatif aux attributions du ministre de l'emploi et de la solidarité,

Décrète :

Art. 1er. – Mme Nicole Péry, secrétaire d'Etat aux droits des femmes et à la formation professionnelle, exerce, par délégation de la ministre de l'emploi et de la solidarité, les attributions de celle-ci relatives aux droits des femmes et à la formation professionnelle des jeunes et des adultes.

Elle assiste la ministre de l'emploi et de la solidarité connaît de toutes les affaires qu'elle lui confie.

Art. 2. – Pour l'exercice de ses attributions, la secrétaire d'Etat aux droits des femmes et à la formation professionnelle dispose du service des droits des femmes et de la délégation générale à l'emploi et à la formation professionnelle.

Elle dispose, en tant que de besoin, des autres directions services placés sous l'autorité de la ministre de l'emploi et de solidarité, notamment la direction de l'administration générale de la modernisation des services, la direction de l'administration générale, du personnel et du budget, la direction de l'animation de la recherche, des études et des statistiques, la délégation interministérielle à l'insertion professionnelle et sociale des jeunes en difficulté et l'inspection générale des affaires sociales.

Elle dispose également, en tant que de besoin, du centre pour le développement de l'information sur la formation permanente (Centre-INFFO). Elle bénéficie du concours de l'Association nationale pour la formation professionnelle des adultes (AFPA) et de l'Agence nationale pour l'emploi (ANPE).

Art. 3. – Mme Nicole Péry, secrétaire d'Etat aux droits des femmes et à la formation professionnelle, reçoit délégation de la ministre de l'emploi et de la solidarité pour signer, en son nom, tous actes, arrêtés et décisions, dans la limite des attributions qui lui sont confiées par le présent décret.

Elle contresigne, conjointement avec la ministre de l'emploi et de la solidarité, les décrets relevant de ses attributions.

Art. 4. – Le Premier ministre, la ministre de l'emploi et de la solidarité et la secrétaire d'Etat aux droits des femmes et à la formation professionnelle sont chargés, chacun en ce qui le concerne, de l'exécution du présent décret, qui sera publié au *Journal officiel* de la République française.

Fait à Paris, le 27 novembre 1998.

JACQUES CHIRAC

Par le Président de la République :

Le Premier ministre,
LIONEL JOSPIN

La ministre de l'emploi et de la solidarité
MARTINE AUBRY

La secrétaire d'Etat aux droits des femmes et à la formation professionnelle,
NICOLE PÉRY

/...

MINISTÈRE DE LA SOLIDARITÉ ENTRE LES GÉNÉRATIONS

Décret n° 95-1114 du 18 octobre 1995 portant création d'un Observatoire de la parité entre les femmes et les hommes

NOR : *SPSX9500125D*

Le Président de la République,

Sur le rapport du Premier ministre et du ministre de la solidarité entre les générations,

Vu le décret n° 90-437 du 28 mai 1990 fixant les conditions et les modalités de règlement des frais occasionnés par les déplacements des personnels civils sur le territoire métropolitain de la France lorsqu'ils sont à la charge de l'Etat, des établissements publics nationaux à caractère administratif et de certains organismes subventionnés ;

Le conseil des ministres entendu,

Décrète :

Art. 1er. – Il est institué, auprès du Premier ministre, un Observatoire de la parité entre les femmes et les hommes.

Art. 2. – L'Observatoire de la parité entre les femmes et les hommes a pour mission, dans ce domaine, de :

- réunir des données, faire produire et produire des analyses, études et recherches sur la situation des femmes, aux niveaux national et international ;
- favoriser des programmes d'actions tendant notamment à la diffusion des connaissances ;
- éclairer les pouvoirs publics ainsi que les acteurs politiques, économiques et sociaux dans leur décision ;
- faire toutes recommandations et propositions de réformes législatives et réglementaires.

L'observatoire peut émettre des avis sur les projets de textes législatifs ou réglementaires.

Art. 3. – L'observatoire remet, tous les deux ans, un rapport général au Premier ministre. Ce rapport est présenté au Parlement et publié.

L'observatoire rédige également des rapports thématiques.

Art. 4. – L'observatoire est présidé par le Premier ministre ou, par délégation de celui-ci, par le ministre chargé des droits des femmes.

Le président est assisté des ministres concernés par l'ordre du jour, ou de leurs représentants.

Art. 5. – Un rapporteur général est nommé, par décret du Président de la République, pour une durée de trois ans renouvelable une fois, sur proposition du Premier ministre et du ministre chargé des droits des femmes.

Le rapporteur général propose un programme de travail à l'observatoire et en assure la coordination.

Art. 6. – L'observatoire est composé de personnalités, choisies en raison de leur compétence et de leur expérience, nommées pour une durée de trois ans renouvelable une fois, par décret du Premier ministre, sur proposition du ministre chargé des droits des femmes.

Les membres démissionnaires ou décédés sont remplacés. Dans ce cas, le mandat des nouveaux membres expire à la date à laquelle aurait pris fin celui des membres qu'ils remplacent.

Art. 7. – Le secrétariat de l'observatoire est assuré par le service des droits des femmes.

Art. 8. – L'observatoire peut charger certains de ses membres d'étudier des questions particulières. Il peut consulter ou inviter à ses séances ou aux groupes de travail créés par lui des représentants de l'administration, des associations, des représentants des salariés et des employeurs, des personnalités qualifiées dont l'audition lui paraît utile.

Art. 9. – L'Observatoire de la parité entre les femmes et les hommes est réuni au moins trois fois par an par le président sur proposition du rapporteur général ou à la demande de la majorité des membres.

L'ordre du jour des réunions est fixé par le président, sur proposition du rapporteur général.

Art. 10. – Pour l'exercice de ses attributions, l'observatoire évalue et utilise toutes études existantes et fait réaliser des travaux statistiques et des études, notamment par des administrations de l'Etat. L'observatoire fait connaître à celles-ci ses besoins afin qu'elles les prennent en compte dans leur programme de travaux statistiques et études.

Art. 11. – Sauf dispositions législatives contraires, les administrations de l'Etat et les établissements publics de l'Etat sont tenus de communiquer à sa demande les éléments d'information et les études dont ils disposent et qui apparaissent nécessaires à l'observatoire pour l'exercice de ses missions.

Art. 12. – Les fonctions des membres de l'observatoire et du rapporteur général sont gratuites ; les frais de déplacement et de séjour sont remboursés dans les conditions prévues par le décret du 28 mai 1990 susvisé.

Ces dispositions sont également applicables aux représentants des organismes mentionnés à l'article 8 ci-dessus.

Art. 13. – Le ministère chargé des droits des femmes prend en charge le fonctionnement de l'observatoire.

Art. 14. – Le Premier ministre, le ministre de l'économie, des finances et du Plan, le ministre de la solidarité entre les générations et le secrétaire d'Etat au budget sont chargés, chacun en ce qui le concerne, de l'exécution du présent décret, qui sera publié au *Journal officiel* de la République française.

Fait à Paris, le 18 octobre 1995.

JACQUES CHIRAC

Par le Président de la République :

Le Premier ministre,
ALAIN JUPPÉ

Le ministre de la solidarité entre les générations,
COLETTE CODACCIONI

Le ministre de l'économie, des finances et du Plan,
JEAN ARTHUIS

Le secrétaire d'Etat au budget,
FRANÇOIS D'AUBERT

/...

Rageot (Henri, Ernest, Emile), 14 février 1915, lieutenant-colonel, infanterie. Officier du 19 juillet 1960. Cité.

Sans traitement

GENDARMERIE NATIONALE

Poirier (Marcel, Etienne), 12 juin 1923, général de brigade. Officier du 16 septembre 1977.

ARMÉE DE TERRE

Bizard (Robert, Victor, Eugène), 8 novembre 1921, lieutenant-colonel, arme blindée et cavalerie. Officier du 18 juillet 1962.
Genaux (Pierre, Dieudonné, Joseph), 18 mai 1913, commandant, cadre spécial. Officier du 30 décembre 1959.
Godey (Didier, René, Albert), 27 novembre 1923, infanterie. Officier du 22 juin 1959.
Gracias (Robert, Jacques), 14 septembre 1928, adjudant de marine. Officier du 8 mai 1987.
Lay (Louis, Jean), 5 février 1925, capitaine, troupes de marine. Officier du 8 mai 1987.
Martin (Lucien, Emile, Marie), 12 décembre 1925, maître infanterie. Officier du 5 novembre 1975.
Veillet (Jean, Gildas, Auguste), 14 décembre 1923, lieutenant-colonel, infanterie. Officier du 30 juillet 1975.

MARINE NATIONALE

Le Rohellec (Joseph, René, Henri), 22 mars 1926, vice-amiral. Officier du 11 novembre 1965.

Décrets, arrêtés, circulaires

TEXTES GÉNÉRAUX

PREMIER MINISTRE

Décret n° 98-922 du 14 octobre 1998 modifiant le décret n° 95-1114 du 18 octobre 1995 portant création d'un Observatoire de la parité entre les femmes et les hommes

NOR : *PRMX9800145D*

Le Président de la République,

Sur le rapport du Premier ministre et de la ministre de l'emploi et de la solidarité,

Vu le décret n° 95-1114 du 18 octobre 1995 portant création d'un Observatoire de la parité entre les femmes et les hommes ;

Vu le décret n° 97-1033 du 14 novembre 1997 portant création d'un délégué interministériel aux droits des femmes ;

Le conseil des ministres entendu,

Décrète :

Art. 1er. – Le décret du 18 octobre 1995 susvisé est modifié ainsi qu'il suit :

I. – L'article 2 est ainsi rédigé :

« *Art. 2.* – L'Observatoire de la parité entre les femmes et les hommes a pour mission, dans ce domaine, de :

« – centraliser, faire produire et diffuser, au besoin par des programmes d'actions spécifiques, les données, analyses, études et recherches sur la situation des femmes aux niveaux national et international ;

« – évaluer la persistance des inégalités entre les sexes et identifier les obstacles à la parité, notamment dans les domaines politique, économique et social ;

« – émettre des avis sur les projets de textes législatifs et réglementaires dont il est saisi par le Premier ministre ;

« – faire toutes recommandations et propositions de au Premier ministre afin de prévenir et de rés inégalités entre les sexes et promouvoir l'ac parité. »

II. – L'article 4 est complété par un alinéa ainsi r

« Le délégué interministériel aux droits des femme aux réunions de l'observatoire. »

III. – Le deuxième alinéa de l'article 5 est ainsi r

« Le rapporteur général propose un programme de l'observatoire et en assure la coordination, en liaison délégué interministériel aux droits des femmes. »

IV. – L'article 7 est ainsi rédigé :

« *Art. 7.* – Le secrétariat de l'observatoire est assuré responsabilité du délégué interministériel aux dr femmes, avec l'assistance du service des droits des fe

Art. 2. – Le Premier ministre, la ministre de l'emp la solidarité et le ministre de l'économie, des finances e dustrie sont chargés, chacun en ce qui le concerne, d cution du présent décret, qui sera publié au *Journal o* la République française.

Fait à Paris, le 14 octobre 1998.

JACQUES CHI

Par le Président de la République :

La ministre de l'emploi et de la solidarité,
MARTINE AUBRY

Le ministre de l'éco des finances et de l'in
DOMINIQUE STRAUS

/...

MINISTÈRE DE L'EMPLOI ET DE LA SOLIDARITÉ

Décret du 25 janvier 1999 portant nomination du rapporteur général de l'Observatoire de la parité entre les femmes et les hommes

NOR : *MESC9900320D*

Par décret du Président de la République en date du 25 janvier 1999, Mme Gillot (Dominique) est nommée rapporteuse générale de l'Observatoire de la parité entre les femmes et les hommes.

Décret du 25 janvier 1999 portant nomination à l'Observatoire de la parité entre les femmes et les hommes

NOR : *MESC9900310D*

Par décret en date du 25 janvier 1999, sont nommés membres de l'Observatoire de la parité entre les femmes et les hommes :

M^me^ Nicole Ameline ;
M^me^ Marie-Hélène Aubert ;
M^me^ Roselyne Bachelot ;
M^me^ Catherine Barbaroux ;
M^me^ Marie-Françoise Clergeau ;
M^me^ Anne-Marie Colmou ;
M. Olivier Duhamel ;
M. Jean-Jacques Dupeyroux ;
M^me^ Nicole Feidt ;
M^me^ Annie Gauvin ;
M^me^ Dominique Gillot ;
M^me^ Muguette Jacquaint ;
M^me^ Catherine Lamour ;
M^me^ Janine Mossuz-Lavau ;
M^me^ Nelly Olin ;
M^me^ Michelle Perrot ;
M^me^ Marie-Claude Petit ;
M^me^ Danièle Pourtaud ;
M^me^ Marie-Cécile Renoux ;
M. Philippe Richert ;
M^me^ Nicole du Roy ;
M^me^ Régine Saint-Criq ;
M. François de Singly ;
M^me^ Aïssatou Sissoko ;
M^me^ Merija Surduts ;
M^me^ Christiane Taubira-Delannon ;
M. Claude Thelot ;
M^me^ Annie Thomas ;
M^me^ Marie-Claude Vayssade ;
M^me^ Jacqueline Victor.

CONFERENCE EUROPEENNE DE PARIS
" FEMMES ET HOMMES AU POUVOIR"

Une société solidaire

Une économie dynamique

Une ambition européenne

- Déclaration de Paris -

Nous, Ministres, femmes et hommes, représentants des Etats membres de l'Union Européenne, réunis à Paris le 17 avril 1999 à l'invitation du Gouvernement français, souscrivons aux engagements de la déclaration de la Conférence de Paris :

I - Nous constatons la persistance des inégalités entre femmes et hommes dans les lieux de décision.

L'égalité de droit des femmes et des hommes est une réalité en Europe. Les Conférences d'Athènes et de Rome ont fortement souligné le déficit démocratique lié à la sous-représentation des femmes, et malgré les efforts poursuivis par la communauté internationale, par les Etats membres de l'Union européenne et l'Union européenne elle-même (et notamment à la suite du programme d'action de Pékin), l'égalité dans les faits demeure encore une ambition.

/...

Le pouvoir également partagé entre les femmes et les hommes sera l'expression de cette ambition. La participation équilibrée à la prise de décision est nécessaire à la construction d'une Europe plus représentative politiquement, plus dynamique et plus solidaire ; elle constitue un facteur de cohésion sociale et répond à l'exigence de citoyenneté.

2 - La participation égale des femmes et des hommes aux processus de décision, reconnue comme priorité de l'Union européenne, est le combat de tous : des gouvernements, des institutions européennes, des partis politiques, des acteurs de la vie économique et sociale et des organisations non gouvernementales et des associations.

3 - Nous nous engageons à prendre et à soutenir les mesures appropriées qui permettront d'atteindre l'égalité réelle.

Ce combat est quotidien : il fait appel à la transparence, à la mise en évidence et à l'élimination des discriminations directes et indirectes, notamment par des actions positives pour réaliser l'égalité des chances entre les femmes et les hommes et à l'intégration de la dimension du genre dans toutes les politiques de l'Union Européenne et des Etats membres.

4 - La collecte et l'exploitation de statistiques, à partir d'indicateurs communs, sur la participation des femmes et des hommes à tous les échelons de la vie politique -en particulier régionale et locale-, professionnelle et économique, associative et syndicale, constituent un préalable indispensable.

La connaissance des mesures prises dans chacun des Etats membres et par l'Union européenne, qu'elles soient incitatives, et/ou législatives, et/ou réglementaires, qu'elles soient le fait des gouvernements, des institutions européennes, des partis politiques, des entreprises, des partenaires sociaux ou des ONG, est indispensable pour obtenir des avancées significatives.

5 - Les efforts entrepris pour assurer la visibilité des actions mises en oeuvre sont encore insuffisants ; l'Union européenne et les Etats membres doivent continuer à conjuguer leurs efforts.

6 - Pour exercer une réelle influence et constituer une véritable masse critique, les femmes doivent être représentées en nombre suffisant dans toute institution. Il y a là une première étape pour atteindre l'objectif commun et prioritaire de l'égalité au pouvoir, de la parité.

7 - Sans préjudice de leur autonomie, l'action des organismes de presse, radio et télévision, la présence d'un plus grand nombre de femmes dans les instances de production ou aux postes de décision, sont essentielles pour une progression rapide vers la participation équilibrée des femmes et des hommes et pour l'élimination des images stéréotypées.

8 - Nous affirmons que l'interaction permanente entre la sphère politique et les sphères économique, professionnelle et sociale sert l'objectif de parité. Une participation équilibrée des femmes et des hommes à la prise de décision dans les organisations d'employeurs et de travailleurs et les ONG favorisera le partage des responsabilités politiques. De même, un engagement politique accru des femmes aura des effets positifs pour l'équilibre dans la prise de décision économique ou sociale.

9 - A cette fin, nous recommandons :

• que dans la vie politique, les gouvernements, les institutions européennes et les partis politiques prennent les mesures nécessaires, incluant, là où elles sont appropriées, des mesures contraignantes et/ou incitatives, aussi bien dans le domaine électoral que dans la désignation des membres des instances consultatives concourant à la décision publique, pour promouvoir une participation équilibrée des femmes et des hommes à la prise de décision ;

• que dans la vie professionnelle, où les fonctions de décision demeurent majoritairement exercées par les hommes :

- les Etats s'engagent à prendre les mesures de nature à corriger les déséquilibres entre les femmes et les hommes, mesures qui peuvent inclure des actions positives ;

- les employeurs aussi bien publics que privés prennent des mesures pour accroître la présence des femmes à tous les niveaux décisionnels ;

• que soient encouragés les efforts des partenaires sociaux (organisations d'employeurs et de travailleurs) pour promouvoir une participation équilibrée des femmes et des hommes aux postes de responsabilité et de décision, en leur sein et dans le cadre des négociations collectives ;

• que soient soutenues les initiatives des acteurs de la vie associative en faveur d'une plus juste place des femmes et des hommes dans leurs organisations au bénéfice de la collectivité et que soient recherchés tous les moyens de favoriser les rééquilibrages souhaitables ;

• que soient confortées les actions des associations, notamment féminines, pour la promotion de l'égalité des femmes et des hommes dans les centres de décision comme dans l'ensemble de la société.

10 - Nous invitons les institutions européennes et les Etats membres à traduire les engagements de cette déclaration dans leurs politiques.

Nous appelons les femmes et les hommes à s'engager en faveur d'un nouveau pacte, gage d'une société solidaire, d'une économie dynamique et d'une ambition européenne.

Propositions françaises pour un plan d'action

I. Définir une stratégie d'action globale et de partenariat.

L'égal accès des femmes et des hommes aux postes de décision est facteur de cohésion pour l'ensemble de la société. Sa promotion nécessite une gamme d'initiatives variées. L'ampleur de l'enjeu implique une action simultanée et en partenariat de tous les acteurs de la société : l'Etat, les partenaires sociaux, les organisations et institutions politiques, les entreprises et les associations.

Pour assurer ce partenariat, il est recommandé que les Etats :

1. soutiennent, coordonnent et accompagnent, dans le cadre d'un programme national d'action, les mesures destinées à promouvoir et à assurer l'équilibre entre les femmes et les hommes dans la prise de décision politique, économique et sociale.

2. fournissent régulièrement à leur parlement un rapport sur les tendances observées et les obstacles empêchant les femmes d'accéder à la prise de décision dans toutes les sphères de la société.

3. soutiennent et incitent les partis politiques, les entreprises, les organisations d'employeurs, les syndicats et les associations dans la mise en place d'actions et de mécanismes visant à promouvoir une représentation équilibrée des hommes et des femmes dans la prise de décision.

4. considèrent l'intégration de la problématique de la participation équilibrée des femmes et des hommes à la prise de décision, comme un des fondements du partenariat entre les pouvoirs publics et les associations.

5. encouragent les associations subventionnées remplissant des missions de service public ou participant à la réalisation des politiques publiques à assurer une répartition équilibrée des femmes et des hommes dans leurs stratégies d'actions et dans leurs instances décisionnelles. Elles pourraient, à cet égard, inscrire dans leur statut et règlement intérieur l'objectif d'un rééquilibrage au profit du genre sous-représenté, étant entendu que les associations exclusivement féminines ou principalement féminines gardent un rôle important dans la défense et la promotion des droits des femmes.

II. Mettre en place un dispositif statistique.

La production d'études et de statistiques, de même que les travaux de recherche, révélant l'inégalité, sont décisifs. Ils doivent faire l'objet de publications régulières et actualisées.

L'utilisation d'indicateurs communs, reposant sur des statistiques comparables, est primordiale si l'on veut constater les inégalités, évaluer de façon efficace les politiques menées, tant au niveau national qu'au niveau de l'Union européenne. La mise à jour des inégalités par des analyses quantitatives et qualitatives stimule la volonté politique, modifie les pratiques des acteurs et conduit à la remise en cause des déséquilibres jusqu'alors inconnus ou tolérés. Elle permet la mise en commun des expériences de lutte contre les discriminations et la promotion de l'égalité femmes-hommes dans tous les domaines de la vie politique sociale et économique.

A cette fin, il est recommandé que :

- les Etats :

6. mobilisent les organismes publics pour la collecte, sur des bases communes ou comparables, de données statistiques et la réalisation d'études analytiques portant sur la participation respective des hommes et des femmes aux processus de décision dans les sphères politique, professionnelle, sociale et associative.

7. assurent le suivi, la publication et la diffusion de ces travaux aux fins de parvenir à une radioscopie européenne de nature à faire apparaître, dans chaque secteur, les conditions les plus favorables à l'égalité méritant d'être recherchées à l'échelon européen".

8. soutiennent les efforts de coordination des associations qui travaillent dans les domaines de l'information des statistiques au niveau des pays de l'Union européenne.

- les partis politiques, les entreprises, les organisations d'employeurs, les syndicats et les associations soient invités :

9. à étudier leur structure interne et à publier des études statistiques et analytiques sur l'équilibre homme/femme dans leurs différentes instances.

III. Agir sur la perception de l'image de la femme dans la société.

Les images et modèles de l'homme et de la femme sont transmis à la fois par le milieu familial, l'éducation et les médias. Il convient donc d'agir à ces divers niveaux pour lever les obstacles à une meilleure répartition des rôles et promouvoir une représentation du pouvoir partagé entre les hommes et les femmes.

Il est recommandé que :

- les Etats :

10. fassent en sorte que soient lancées des campagnes annuelles de formation et d'information destinées à sensibiliser l'opinion publique et les décideurs sur la nécessité et les avantages pour l'ensemble de la société d'une participation équilibrée des femmes et des hommes aux processus de décision politique, économique et sociale.

- les partis politiques, les entreprises, les organisations d'employeurs, les syndicats, les associations et les médias soient invités :

11. à assurer, en leur sein, des actions de sensibilisation destinées à favoriser la prise de conscience quant à la nécessité d'assurer l'égalité de fait dans les processus de décision.

IV. Rénover la démocratie.

Les femmes constituent plus de la moitié de la population. Renoncer à leur participation, au niveau requis serait une perte pour la société dans son ensemble. La rénovation de la démocratie nécessite que l'égal accès des femmes aux mandats et fonctions politiques soit affirmé.

- les Etats sont invités :

12. à faire progresser de manière significative, dans une perspective de parité, la participation des femmes au sein des gouvernements.

13. à faire campagne pour que la proportion des femmes élues augmente à chaque élection de telle sorte qu'à la fin de la prochaine décennie, la représentation des femmes dans les parlements nationaux et les assemblées locales se rapproche de la part qu'elles représentent dans la population.

14. à accroître, lors de chaque renouvellement, d'au moins 10% le nombre de femmes dans les comités publics, les commissions et instances consultatives publiques jusqu'à ce que l'équilibre y soit atteint.

15. à faire en sorte que chaque projet de loi donne lieu à une étude d'impact des effets induits sur la situation respective des femmes et des hommes.

- les signataires invitent les organisations politiques :

16. à inscrire dans leurs statuts le principe et l'objectif de l'équilibre hommes/femmes dans leurs instances de décision.

17. à prendre des mesures de leur choix assurant un équilibre hommes/femmes à tous les échelons de leurs organisations et visant à une part égale d'élus et d'élues quel que soit le mode de scrutin.

18. à consacrer une part significative de leur financement public à des actions visant à augmenter le nombre de femmes dans la vie politique.

V. Affermir le progrès économique et social.

Le rééquilibrage en faveur des femmes dans la prise de décision professionnelle est un principe de justice et un facteur de progrès pour les entreprises et pour la société. Le recours à part égale aux aptitudes des femmes et des hommes, requis par ailleurs par l'évolution démographique, constitue un outil de performance économique. Le comportement des acteurs de l'entreprise et de l'économie sociale est déterminant pour l'évolution de l'égalité des chances entre les hommes et les femmes.

Les Etats sont encouragés :

19. à mettre en oeuvre, notamment sur la base des lignes directrices pour l'emploi, toutes mesures propres à instaurer, au bénéfice des hommes et des femmes, une bonne articulation entre la vie professionnelle et la vie privée.

Les signataires invitent les entreprises, les acteurs de l'économie sociale et les partenaires sociaux :

20. à considérer la recherche de l'équilibre hommes/femmes dans la prise de décision comme un élément d'une stratégie de développement propre à améliorer le niveau et les conditions de vie.

21. à privilégier les nouvelles formes d'organisation du travail favorisant l'accès des femmes aux postes de responsabilité.

22. à rechercher une transformation des modes de gestion des ressources humaines en vue d'atteindre l'équilibre entre les femmes et les hommes dans l'attribution des postes de décision.

VI. Rendre le secteur public exemplaire dans la répartition équilibrée des postes de décision.

Les Etats et les autorités publiques peuvent être exemplaires et moteurs dans la mise en place de mesure assurant l'égalité des chances entre les femmes et les hommes pour l'accès aux postes de décision. Ils ont le pouvoirs nécessaires pour favoriser l'équilibre hommes/femmes, en particulier lors des nominations laissées leur décision, au sein des postes de responsabilité de l'administration, nationale et locale, et des entreprise publiques.

Les Etats sont invités, en leur qualité d'employeurs :

23. à réaliser tous les deux ans un rapport sur la répartition des postes de décision entre les hommes et le femmes.

24. à renforcer les structures gouvernementales chargées de l'égalité des chances entre les femmes et le hommes, à se doter de plans d'égalité dans l'administration afin de prendre les mesures de nature à corriger le déséquilibres hommes/femmes, notamment en désignant des responsables de l'égalité des chances au sein d chaque administration. Les propositions aux emplois du plus haut niveau devront justifier l'absence c présentation de candidatures équilibrées.

25. à veiller, lorsqu'il y a recrutement par concours, à ce que la composition des commissions chargées de l'élaboration des épreuves et la composition des jurys soient les plus proches possibles de l'équilibre entre le femmes et les hommes.

26. à faire en sorte que le système éducatif poursuive ses efforts pour mieux orienter les jeunes filles et le femmes vers toutes les filières, notamment celles conduisant à la recherche scientifique et aux domaine technologiques et industriels.

- Les institutions européennes sont invitées, en tant qu'employeurs :

27 à respecter le principe d'égal accès des femmes et des hommes aux postes de fonctionnaires européen recrutés par concours ou nommés.

VII. Renforcer la qualité du dialogue social.

L'Etat, les organisations d'employeurs et les syndicats ont chacun à leur place et de manière complémentaire des initiatives à prendre en vue de promouvoir la présence des femmes dans le dialogue social. Le rôle des partenaires sociaux (organismes employeurs et syndicats) est fondamental pour faire régresser les inégalités économiques et sociales entre les femmes et les hommes et être les vecteurs d'une juste représentation des hommes et des femmes dans les négociations collectives.

- les Etats sont invités à :

28. inciter les partenaires sociaux à proposer pour chaque nomination à une instance consultative ou paritaire, nationale ou communautaire, deux candidatures : une femme et un homme.

- les partenaires sociaux sont invités à :

29. promouvoir le respect de l'équilibre hommes/femmes lors des désignations au sein de leurs instances de décision.

30. prendre les mesures nécessaires de recrutement, de formation, de sélection et de désignation afin d'assu l'équilibre entre les femmes et les hommes parmi leurs représentants dans les diverses instances institution nelles du dialogue social.

31. étudier l'impact de leurs négociations sur les situations respectives des femmes et des hommes.

LA MINISTRE DE L'EMPLOI ET DE LA SOLIDARITÉ

LE GARDE DES SCEAUX, MINISTRE DE LA JUSTICE

LE MINISTRE DE L'INTÉRIEUR

LE MINISTRE DE LA DÉFENSE

LA SECRETAIRE D'ETAT AUX DROITS DES FEMMES ET
A LA FORMATION PROFESSIONNELLE

à

MESDAMES ET MESSIEURS LES PREFETS
MONSIEUR LE PREFET DE POLICE
MADAME ET MESSIEURS LES PROCUREURS GENERAUX
MESDAMES ET MESSIEURS LES PROCUREURS DE LA REPUBLIQUE
MESSIEURS LES GENERAUX COMMANDANT LES CIRCONSCRIPTIONS DE GENDARMERIE
MESSIEURS LES COMMANDANTS DE GROUPEMENT DE GENDARMERIE DEPARTEMENTALE
MESDAMES LES DELEGUEES REGIONALES AUX DROITS DES FEMMES
MESDAMES LES CHARGEES DE MISSION DEPARTEMENTALES
AUX DROITS DES FEMMES

CIRCULAIRE MES/ SEDF N° 980014 du 8 Mars 1999 relative à la lutte contre les violences à l'encontre des femmes, au sein du couple.

Résumé : la lutte contre les violences à l'encontre des femmes, au sein du couple nécessite une coordination renforcée entre les services compétents afin de mieux répondre aux besoins des victimes.

Mots-clés : Femmes - violences - code pénal - partenariat.

Textes abrogés ou modifiés : Néant.

/...

Quels que soient leur condition socio-économique et leur niveau d'instruction, leur culture et leur religion, des millions de femmes, à travers le monde, sont victimes d'actes de violence, sous de multiples formes.

La France n'est pas épargnée par ce phénomène de grande ampleur qui empêche les femmes de participer pleinement à la vie de la société.

Fondée sur un rapport de force, la violence au sein du couple s'inscrit dans un fonctionnement de domination qui aboutit à nier l'autre en tant qu'individu et à porter atteinte à son intégrité.

Il convient ici de se situer dans une optique qui intègre la dimension individuelle et socio-culturelle. Les positions sociales des hommes et des femmes, leurs fonctions, les systèmes de valeurs auxquels ils se réfèrent, établissent des rapports sociaux entre les sexes. Les violences à l'égard des femmes sont liées à la forme de ces rapports : plus ils sont inégalitaires, plus la violence trouve une justification sociale implicite.

Les formes spécifiques de ces violences - notamment les violences au sein du couple - représentent un problème dont le coût et les répercussions, tant individuels que collectifs, pèsent considérablement sur l'ensemble du corps social.

En outre, il est essentiel de souligner les prises de position de la communauté internationale, devant la gravité et la fréquence de ce phénomène :

- en 1993, l'Assemblée générale des Nations Unies a adopté une déclaration sur l'élimination de la violence à l'égard des femmes.

- en 1995, lors de la 4ème Conférence mondiale sur les femmes, tenue à Pékin, les Etats, dont la France, ont signé un programme d'action pour prévenir et éliminer la violence à l'égard des femmes, celle-ci étant dénoncée comme "un problème universel constituant une violation des droits fondamentaux des femmes".

- en 1997, le Parlement européen a voté une résolution sur la nécessité d'une campagne européenne de tolérance zéro à l'égard de la violence contre les femmes, en recommandant aux pays membres de participer à cette campagne, prévue en 1999.

Dans cette perspective, il convient de réaffirmer la nécessité, au plan national, de poursuivre et d'intensifier une politique de lutte contre ces violences, déjà engagée depuis plusieurs années.

Une approche chiffrée du problème ne peut être qu'approximative et ne rend compte que très partiellement des violences subies. En effet, le recueil actuel des statistiques ne porte que sur les violences déclarées, ce qui ne permet pas une appréciation fiable du nombre des victimes concernées qui ne déposent pas plainte. Car les femmes hésitent encore beaucoup à divulguer leur situation, par honte, peur pour elles et les enfants, crainte de représailles, méconnaissance de leurs droits. Ainsi l'ampleur réelle du phénomène ne peut être cernée avec précision. Une enquête nationale sur les violences, dont la première phase vient d'être lancée, va tenter, pour la première fois en France, d'appréhender le problème sous un angle spécifique (cf. fiche technique en annexe n° 1).

Quant aux chiffres portant sur les dépôts de plaintes et les condamnations, ils témoignent d'une certaine augmentation de faits incriminés, mais qui est à relativiser : ceci ne traduit pas uniquement la variation du phénomène, mais peut être aussi le reflet d'un meilleur accueil des victimes, qui les inciterait à venir davantage déposer plainte.

Après la première campagne nationale sur ce sujet, en 1989, les mesures prises par l'Etat ont porté sur l'aide aux victimes, par la mise en place de deux permanences téléphoniques nationales, l'une sur les violences sexuelles, l'autre sur les violences conjugales. Par ailleurs, le souci d'apporter aux victimes un réseau d'aide de proximité a conduit à financer l'action d'associations spécialisées pour accompagner les femmes dans leurs démarches.

Parallèlement, une circulaire du Secrétariat d'Etat chargé des droits des femmes d'octobre 1989 demande aux Préfets, afin de mener "un travail réel et continu de concertation et de coordination", de mettre en place une commission départementale sur ce thème. Celle-ci rassemble tous les partenaires concernés par les violences faites aux femmes, tant institutionnels qu'associatifs, en vue de trouver des solutions et améliorer la situation des femmes victimes. Cette circulaire a été réactualisée en 1992, 1994 et en 1996.

Le travail de partenariat interministériel a déjà permis de sensibiliser les professionnels chargés d'intervenir, notamment par des stages de formation et l'élaboration et la diffusion de brochures sur les mécanismes de violences au sein du couple.

Les conditions de mise en oeuvre et de relance d'un partenariat local doivent tout d'abord être rappelées. Les réponses adaptées pour les femmes victimes sont ensuite abordées.
Enfin, les développements sur les textes en vigueur, les peines et sanctions applicables figurent en annexe, sous forme de fiches techniques auxquelles vous pouvez vous référer.

I - Rappel de la législation applicable

1) Les violences physiques

Le nouveau code pénal issu des lois du 22 juillet 1992 et applicable depuis le 1er mars 1994, a reconnu la particulière gravité des violences dites conjugales puisqu'il a prévu un délit spécifique et des circonstances aggravantes liées à la sphère familiale. Les actuelles violences s'assimilent aux anciens coups et blessures volontaires.

Lorsque ces violences, de nature criminelle ou délictuelle, ont été commises sur une personne dont la particulière vulnérabilité est due à un état de grossesse, apparent ou connu de l'auteur, ou ont été perpétrées par le conjoint ou le concubin de la victime, les peines encourues sont notablement aggravées.

2) Les violences sexuelles

La répression du crime de viol a été sensiblement aggravée par le nouveau code pénal puisque celui-ci est désormais puni de quinze ans de réclusion criminelle.
Il y a lieu de noter que la chambre criminelle de la Cour de Cassation a admis à deux reprises qu'il pouvait y avoir viol entre époux, dans les arrêts de principe des 5 septembre 1990 et 11 juin 1992.

La fiche technique n° 2 jointe en annexe précise les textes et la jurisprudence applicables à ces formes de violences.

II - Les conditions d'un partenariat efficace

Le traitement des violences au sein du couple et la prévention doivent représenter un objectif déterminant pour l'ensemble des acteurs locaux, tant des services de l'Etat et de l'autorité judiciaire que des partenaires de terrain.

A cet effet, il vous est demandé de continuer de placer la "commission départementale d'action contre les violences faites aux femmes" au centre du dispositif. Le rôle et les modalités de fonctionnement de cette commission vous sont rappelés en annexe (cf. fiche technique n° 3).

Cette commission constitue donc l'instance de base du partenariat, en permettant une prise en compte locale du problème et en développant les contacts entre les acteurs sur le terrain. En effet, l'expérience démontre que l'efficacité de cette coopération est largement liée à la qualité des relations de travail qui s'y nouent.
Il est donc tout-à-fait prioritaire que chacun des services concernés soit représenté au sein de cette instance et il est vous est demandé d'y veiller tout particulièrement.

Dans ce sens, il serait souhaitable qu'une convention départementale précise les objectifs et les modalités de la coopération entre les différents services et autres membres de la commission de façon à assurer la continuité des actions engagées. Le fait de formaliser par écrit le mode de fonctionnement du partenariat (circuits d'information réciproque, par exemple) permet de le pérenniser au-delà des changements de personnes.

III - Des réponses adaptées aux victimes

1) L'accueil et le traitement par les services de police et les unités de gendarmerie

En matière de violences commises au sein du couple, l'accueil des victimes ainsi que le traitement judiciaire de ces affaires par les services de police et les unités de gendarmerie nécessitent des dispositions tendant à favoriser et optimiser les mesures déjà existantes.

Il en est ainsi de la formation des personnels, de l'accueil des victimes et de la procédure :

- *La formation des personnels* : il est nécessaire que soient régulièrement organisées, tant dans le cadre de la formation initiale que continue, des actions de sensibilisation au traitement des violences spécifiques dont sont victimes les femmes, notamment au sein du couple. De préférence préparées et animées en partenariat avec les autres intervenants, ces actions présenteront dans leur contenu un rappel des dispositions légales et réglementaires. Elles comporteront aussi une sensibilisation au contexte tout-à-fait particulier de cette délinquance tant en ce qui concerne l'auteur que la victime.

- *L'accueil des victimes* au sein des services de police et des unités de gendarmerie bénéficie des dispositions générales prises récemment en faveur des usagers.

  Toutefois, à l'échelon local, le développement d'un accueil spécifique des femmes victimes reste nécessaire:

  - C'est pourquoi il conviendra que, dans les services de police et les unités de gendarmerie, la victime puisse bénéficier d'un accueil et d'une écoute où la confidentialité est respectée. Certains services ont déjà pris des dispositions en ce sens, qu'il serait souhaitable de voir étendues.

  - Le recours à des personnels, sensibilisés et formés pour accueillir et assister la femme victime dans les meilleures conditions, doit être privilégié.

- *La procédure*

Depuis les changements intervenus dans le code pénal le 1er mars 1994, l'infraction de violences entre conjoints ou concubins est devenue un délit, ce qui entraîne une nouvelle prise en charge judiciaire de ces affaires tant par les services de police et les unités de gendarmerie que par les parquets.

Afin de favoriser l'écoute et l'assistance que les femmes victimes de violences sont en droit d'attendre de la puissance publique, il est utile de rappeler que :

- La victime est recevable à déposer plainte à toute heure, auprès de toute unité ou service et ne saurait être éconduite sous prétexte d'incompétence territoriale ou d'attribution. Les officiers et agents de police judiciaire dressent alors un procès-verbal des faits qui sont portés à leur connaissance.

- La production d'un certificat médical n'est en aucun cas un préalable au dépôt de plainte et peut avoir lieu à tout moment de la procédure, même s'il est de l'intérêt des victimes de faire établir les constatations médicales le plus tôt possible. L'infraction peut être juridiquement constituée en l'absence de cette pièce, qui demeure néanmoins un élément de preuve matérielle, essentiel pour la procédure.

2) Le traitement judiciaire

Le traitement judiciaire en temps réel des procédures pénales instauré dans la majorité des juridictions françaises peut et doit aussi s'appliquer à l'ensemble des violences commises à l'encontre des femmes et il convient d'avoir recours à l'ensemble des réponses pénales susceptibles d'être mises en oeuvre (cf. fiche technique n° 4 en annexe).

Si une information judiciaire est ouverte, il est important de solliciter du magistrat instructeur des mesures de sûreté qui puissent garantir la sécurité des victimes, notamment par l'instauration d'un contrôle judiciaire interdisant, par exemple, tout contact entre le mis en examen et sa victime.

Un contrôle adapté peut être mis en place dans le cadre d'une convocation par procès-verbal délivrée par le Parquet. Il convient tout particulièrement de veiller à une bonne articulation entre les procédures pénales et civiles concernant un même couple ou une même famille.

Si des enfants sont concernés, le magistrat du parquet appréciera alors l'opportunité de saisir le juge des enfants en assistance éducative ou d'informer le juge aux affaires familiales de l'enquête en cours.

La victime, si elle décide de changer de résidence, peut faire élection de domicile au cabinet de son conseil, au commissariat de police ou à l'unité de gendarmerie, afin d'éviter que son conjoint ou concubin ait connaissance de sa nouvelle adresse.

IV - La prise en charge et l'indemnisation des victimes de violences

En 1998, 148 services d'aide aux victimes accueillent toutes les victimes, quel que soit le type d'infraction, afin de les informer sur leurs droits ou les procédures, les orienter ou les accompagner dans leurs démarches et notamment leur offrir, le cas échéant, un soutien psychologique.

Il convient donc que les services d'enquête ou les parquets saisis de faits de violences au sein du couple orientent les victimes vers ces structures.

Parallèlement à ces services, il existe des associations dont l'objet statutaire comporte la lutte contre les violences sexuelles ou les violences exercées contre un membre de la famille et qui ont la possibilité, contrairement aux associations d'aide aux victimes, d'exercer les droits reconnus à la partie civile, dès lors qu'elles sont déclarées depuis au moins 5 ans à la date des faits (article 2-2 du code de procédure pénale).

Le système d'indemnisation des victimes d'infraction pénale a été mis en place par une loi du 3 janvier 1977 qui a créé les commissions d'indemnisation des victimes d'infractions (CIVI). Celles-ci ont été instituées auprès de chaque tribunal de grande instance par la loi du 8 juillet 1983 (cf. fiche technique n° 5 en annexe, pour plus de précisions).

En droit civil, une meilleure application des textes existants peut contribuer à renforcer la protection des victimes. Ainsi, en matière d'attribution du domicile conjugal en cas de violence, en dehors de toute procédure de divorce ou de séparation de corps, la victime pourra avoir recours aux dispositions des articles 220-1 du code civil et 808 du nouveau code de procédure civile.
Ces textes permettent au président du tribunal de grande instance (art. 220-1) et au juge des référés (art. 808) de prescrire toutes mesures urgentes dans le but de protéger "les intérêts des époux". Ils peuvent ainsi s'appliquer à l'attribution du domicile conjugal lorsque cette question revêt un caractère d'urgence.

En conséquence, il vous est demandé de continuer à faire preuve de la plus grande vigilance sur ces phénomènes de violence au sein de la famille, qui sensibilisent de manière croissante nos concitoyens.

La Ministre de l'Emploi
et de la Solidarité,

Martine AUBRY

Le Garde des Sceaux,
Ministre de la Justice

Elisabeth GUIGOU

Le Ministre de l'Intérieur

Jean-Pierre CHEVENEMENT

Le Ministre de la Défense,

Alain RICHARD

La Secrétaire d'Etat aux Droits des Femmes
et à la Formation Professionnelle

Nicole PERY

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FICHE TECHNIQUE N° 1

APPROCHE CHIFFRÉE

Le nombre d'appels reçus à la permanence téléphonique nationale s'élève à environ 140 000 depuis sa création en 1992. Mais les capacités d'écoute ne permettent d'en traiter que 40 % à 45 % seulement, ce qui équivaut à répondre à 300 communications par semaine. On peut observer une augmentation régulière, d'année en année, du nombre d'appels (à titre d'exemple, 15 500 appels en 1993, 26 000 appels en 1995 et 28 600 appels en 1997).

- Le nombre d'actes de violences intrafamiliales, suite aux dépôts de plainte reçus par les services de la police nationale (sécurité publique) et les unités de gendarmerie, hors Paris, s'élève à 20 045 pour 1997 - il est à noter une augmentation régulière depuis 1995 (10,25 % de 1995 à 1996 et 21 % de 1996 à 1997).

- Le nombre de condamnations pour violences volontaires entre conjoints ou concubins s'élève à 4 677 pour la dernière année répertoriée par le casier judiciaire national, soit 1996. Entre 1994 et 1996, ce nombre a été multiplié par six.
Cette hausse découle de la nouvelle qualification de ces faits, appliquée depuis 1994 par le nouveau code pénal. Il faut observer que ce sont les violences volontaires suivies d'ITT de moins de huit jours qui sont le plus en augmentation (600 % de plus).

Ces variations semblent résulter tout à la fois d'une augmentation des faits de violences constatés et d'une meilleure prise en charge de l'ensemble des partenaires.

FICHE TECHNIQUE N° 2

LA LEGISLATION APPLICABLE

- VIOLENCES PHYSIQUES -

QUALIFICATION PENALE	*TEXTE APPLICABLE*	*PEINES ENCOURUES*
Violences volontaires ayant entraîné la mort sans intention de la donner.	Article 222-8 du code pénal	20 ans de réclusion criminelle
Violences ayant entraîné une mutilation ou une infirmité permanente.	Article 222-10 du code pénal	15 ans de réclusion criminelle
Violences ayant entraîné une incapacité totale de travail (ITT)[1] de plus de 8 jours.	Article 222-12 du code pénal	5 ans d'emprisonnement 500 000 Francs d'amende
Violences ayant entraîné une ITT inférieure à 8 jours commises par le conjoint ou le concubin[2].	Article 222-13 du code pénal	3 ans d'emprisonnement 300 000 Francs d'amende

[1] ; L'ITT ne se confond pas avec l'arrêt de travail, elle concerne l'incapacité à effectuer normalement les actes de la vie courante. Ainsi une personne sans emploi peut présenter une ITT.

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VIOLENCES SEXUELLES

L'agression sexuelle est définie par l'article 222-22 comme "une atteinte sexuelle commise avec violence contrainte, menace ou surprise". Comme cela a été très clairement indiqué au cours des débats parlementaires, l'expression "atteinte sexuelle" doit être considérée comme étant rigoureusement synonyme de celle d'attentat à la pudeur, sous la seule réserve que la menace a été ajoutée à la liste des circonstances caractérisant l'absence de consentement de la victime. Ce renouvellement du vocabulaire s'explique la volonté de désigner les agissements concernés de manière plus claire et plus expressive.

L'article 222-23 définit ainsi le viol : "Tout acte de pénétration sexuelle, de quelque nature qu'il soit commis sur la personne d'autrui par violence, contrainte, menace ou surprise". Cette définition identique à celle de l'ancien article, sous réserve que, l'absence de consentement de la victime désormais caractérisé également en cas de "menace".

Les modifications essentielles portent sur la répression de l'infraction qui a été sensiblement aggravé 15 ans au lieu de 10 ans auparavant. Par ailleurs, la chambre criminelle de la Cour de Cassation a ad à deux reprises qu'il pouvait y avoir viol entre époux.

Dans un arrêt de principe du 5 septembre 1990, cette haute juridiction a affirmé que "l'article (aujourd'hui 222-23) du Code pénal, en sa rédaction issue de la loi du 23 décembre 1980, qui n'a d'autre fins que de protéger la liberté de chacun, n'exclut pas de ses prévisions les actes de pénétration sexuel entre les personnes unies par les liens de mariage lorsqu'ils sont imposés dans les circonstances prévu par ce texte". La chambre criminelle a eu l'occasion d'affiner encore sa jurisprudence sur ce point, par arrêt du 11 juin 1992. Elle a admis qu'il existait du fait du mariage une présomption de licéité des rapports sexuels entre époux, mais a surtout affirmé que cette présomption n'était pas irréfragable et pouvait être combattue par des preuves contraires, établies par tout moyen.

QUALIFICATION PENALE	*TEXTE APPLICABLE*	*PEINES ENCOURUES*
Agression sexuelle autre que le viol	Article 222-27 et suivants du code pénal	de 5 à 10 ans d'emprisonnement et de 500 000 Francs à 1 MF d'amende
Viol	Article 222-23 du code pénal	15 ans de réclusion criminelle
Viol : - ayant entraîné mutilation ou infirmité permanente, - commis sur une personne particulièrement vulnérable, - commis par un ascendant ou par personne ayant autorité, - commis par plusieurs personnes comme auteur ou complice.	Article 222-24 du code pénal	20 ans
Viol ayant entraîné la mort de la victime	Article 222-25 du code pénal	30 ans

FICHE TECHNIQUE N° 3

LES COMMISSIONS DEPARTEMENTALES D'ACTION CONTRE LES VIOLENCES FAITES AUX FEMMES

Ces commissions, créées par une circulaire ministérielle Droits des femmes du 12 octobre 1989, réactualisée en 1992 et 1996, réunissent, sous la présidence du préfet, les partenaires institutionnels et associatifs concernés afin d'élaborer des actions coordonnées en faveur des femmes victimes. L'animation et le suivi en sont assurés par la déléguée régionale ou la chargée de mission départementale aux droits des femmes.

La commission plénière est composée obligatoirement de représentants des services de l'Etat dans le département (Droits des femmes, Affaires sociales et emploi, Intérieur, Défense) et de la Justice ainsi que de représentants du Conseil général, des organismes sociaux, des associations spécialisées et de personnes qualifiées. Elle peut être élargie en tant que de besoin et se réunit au minimum une fois par an. Elle arrête les priorités et le mandat des groupes de travail. Chaque groupe peut être placé sous la responsabilité du service de l'Etat directement concerné par un thème particulier.

Il importe de clarifier le rôle de chaque instance concernée, de délimiter le champ d'intervention des professionnels amenés à recevoir une femme victime de violences. En effet, il leur revient d'accueillir, d'écouter et d'informer sur les démarches nécessaires et procédures adaptées à la situation de la personne, et ce dans la limite des attributions de chacun. Cela implique qu'ils disposent notamment des coordonnées des organismes compétents pour l'accueil médical (unités médico-judiciaires, pôles de référence...), ou social (hébergement d'urgence, lieux neutres pour l'organisation des droits de visite concernant les enfants, protection sociale...), ou le soutien spécialisé (associations d'aide aux victimes de violences).

Il convient d'élaborer à cette fin des documents destinés aux professionnels qui apportent aux victimes une information précise et concrète sur leurs droits, leur permettant de prendre les décisions appropriées. Une information spécifique se rapportant à la préservation des preuves, traces et indices, tout particulièrement dans le cas des agressions sexuelles, sera apportée aux victimes.

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FICHE TECHNIQUE N° 4

LE TRAITEMENT EN TEMPS REEL

Depuis 1990, s'est progressivement mis en place, dans la majorité des juridictions françaises, le traitement en temps réel des procédures pénales qui a pour objectif principal de permettre une réponse pénale rapide, systématique, diversifiée et mieux adaptée dans le cadre d'une politique globale d'action publique. Ce système repose sur deux règles de base :

1 - toute affaire élucidée, de nature criminelle ou délictuelle, doit faire l'objet d'un compte-rendu téléphonique immédiat au parquet, de la part du service enquêteur ;

2 - toute affaire dont il a été rendu compte fait l'objet d'un traitement judiciaire immédiat.

Parallèlement à un recours accru aux procédures rapides, le traitement en temps réel se traduit par le développement d'une troisième voie, à côté du classement sans suite et de la poursuite, que constituent le classement sous conditions, la médiation pénale et le rappel à la loi prévus par l'article 41 du code de procédure pénale.

Ces mesures, ordonnées par le procureur de la République et exécutées sous son autorité, notamment par des délégués du procureur, sont ainsi susceptibles d'assurer la réparation du dommage causé à la victime, de mettre fin au trouble résultant de l'infraction, de contribuer au reclassement de son auteur et d'apporter une réponse judiciaire systématique, rapide et adaptée à la diversité des situations.

Les délégués du procureur de la République sont en général des personnes possédant des connaissances juridiques étendues et qui réalisent , sous l'autorité des magistrats du parquet à qui ils doivent rendre compte de l'exécution de leurs missions, des mesures alternatives aux poursuites pénales, sous forme de médiation ou de mission tendant à favoriser la réparation du dommage. Ils sont rémunérés, sur le fondement de l'article R.121 du code de procédure pénale, dans le cadre des frais de justice.

Le traitement en temps réel est donc fondé sur 4 axes principaux :

1 - systématisation des signalements au parquet,
2 - généralisation de la réponse pénale,
3 - diversification de la réponse judiciaire,
4 - accélération de cette réponse.

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FICHE TECHNIQUE N°5

LA PRISE EN CHARGE ET L'INDEMNISATION DES VICTIMES D'INFRACTIONS PENALES

1 - La prise en charge des victimes

La loi du 21 janvier 1995 d'orientation et de programmation relative à la sécurité a inséré dans le code de procédure pénale un article 62-1 autorisant les personnes entendues comme témoins par les services de police ou de gendarmerie *à déclarer comme domicile l'adresse du commissariat ou de la gendarmerie*, afin d'éviter que leur véritable adresse ne figure dans la procédure judiciaire et d'empêcher ainsi les pressions ou les représailles dont ces personnes pourraient faire l'objet. Cette déclaration d'adresse doit être autorisée par le procureur de la République, ou, lorsqu'elle intervient au cours d'une commission rogatoire, par le juge d'instruction, *la véritable adresse du témoin devant figurer dans un registre spécial.*

Le décret du 3 septembre 1996 insère dans la partie réglementaire du code de procédure pénale un nouvel article R. 15-33-1 qui précise les modalités pratiques d'application de cette disposition.

L'aide juridictionnelle peut être accordée à toute femme, de nationalité française, ressortissant d'un Etat membre de la Communauté européenne ou de nationalité étrangère résidant habituellement et régulièrement en France. Elle en fait la demande auprès du bureau de l'aide juridictionnelle du tribunal de Grande Instance de son domicile. Le bénéficiaire de cette aide a droit à l'assistance d'un avocat, du concours de tous officiers publics et ministériels et est dispensé des frais de procédure.

2 - L'indemnisation des victimes d'infractions

La loi du 6 juillet 1990 a renforcé les droits des victimes en ce domaine.

L'article 706-3 du code de procédure pénale pose le principe de la réparation intégrale des dommages résultant d'atteintes graves à la personne (décès, existence d'une incapacité permanente partielle ou d'une incapacité temporaire de travail égale ou supérieure à un mois, viols ou agressions sexuelles) ayant pour origine des faits, volontaires ou non, présentant le caractère matériel d'une infraction.

Les victimes doivent être de nationalité française. Dans le cas contraire, les faits doivent avoir été commis sur le territoire national et la personne lésée doit, si elle souhaite obtenir une indemnisation :

- soit être ressortissante d'un Etat membre de la Communauté Economique Européenne,
- soit, sous réserve des traités et accords internationaux, être en séjour régulier au jour des faits ou de la demande.

Par ailleurs, toute victime d'une atteinte physique modérée (incapacité totale de travail inférieure à un mois) peut prétendre à une indemnisation allouée par la C.I.V.I., dès lors qu'elle ne peut obtenir autrement réparation de son préjudice et qu'elle se trouve de ce fait dans une situation matérielle grave (article 706-14 du code de procédure pénale). Cette indemnisation ne peut intervenir que lorsque les ressources de la victime sont inférieures au plafond prévu pour bénéficier de l'aide juridique.

Cette action doit être présentée devant la C.I.V.I. dans le délai de trois ans à compter de la date de l'infraction ou d'un an après le prononcé d'une décision statuant définitivement sur l'action publique. Il peut s'agir de la commission située dans le ressort de la juridiction pénale qui s'est prononcée sur l'infraction ou celle dont relève le domicile du demandeur.

La décision de cette commission est susceptible d'appel et l'indemnité allouée est versée par le fonds de garantie dans le délai d'un mois à compter de la notification de la décision.

LOIS

LOI constitutionnelle n° 99-569 du 8 juillet 1999 relative à l'égalité entre les femmes et les hommes (1)

NOR : JUSX9800069L

Le Congrès a adopté,

Le Président de la République promulgue la loi dont la teneur suit :

Article 1er

L'article 3 de la Constitution du 4 octobre 1958 est complété par un alinéa ainsi rédigé :

« La loi favorise l'égal accès des femmes et des hommes aux mandats électoraux et fonctions électives. »

Article 2

L'article 4 de la Constitution est complété par un alinéa ainsi rédigé :

« Ils contribuent à la mise en œuvre du principe énoncé au dernier alinéa de l'article 3 dans les conditions déterminées par la loi. »

La présente loi sera exécutée comme loi de l'Etat.

Fait à Paris, le 8 juillet 1999.

JACQUES CHIRAC

Par le Président de la République :

Le Premier ministre,

LIONEL JOSPIN

La ministre de l'emploi et de la solidarité,

MARTINE AUBRY

Le garde des sceaux, ministre de la justice,

ELISABETH GUIGOU

La secrétaire d'Etat aux droits des femmes et à la formation professionnelle,

NICOLE PÉRY

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(1) Loi constitutionnelle n° 99-569.

– *Travaux préparatoires :*

Assemblée nationale :

Projet de loi constitutionnelle n° 985 ;

Rapport de Mme Catherine Tasca, au nom de la commission des lois, n° 1240 ;

Discussion et adoption le 15 décembre 1998.

Sénat :

Projet de loi constitutionnelle, adopté par l'Assemblée nationale, n° 135 (1998-1999) ;

Rapport de M. Guy Cabanel, au nom de la commission des lois, n° 156 (1998-1999) ;

Discussion et adoption le 27 janvier 1999.

Assemblée nationale :

Projet de loi constitutionnelle, modifié par le Sénat, n° 1354 ;

Rapport de Mme Catherine Tasca, au nom de la commission des lois, n° 1377 ;

Discussion et adoption le 16 février 1999.

Sénat :

Projet de loi constitutionnelle, adopté avec modifications par l'Assemblée nationale en deuxième lecture, n° 223 (1998-1999) ;

Rapport de M. Guy Cabanel, au nom de la commission des lois, n° 247 ;

Discussion et adoption le 4 mars 1999.

Assemblée nationale :

Projet de loi constitutionnelle, modifié par le Sénat en deuxième lecture, n° 1436 ;

Rapport de Mme Catherine Tasca, au nom de la commission des lois, n° 1451 ;

Discussion et adoption le 10 mars 1999.

– *Congrès du Parlement :*

Décret du Président de la République en date du 23 juin 1999 tendant à soumettre deux projets de loi constitutionnelle au Parlement réuni en Congrès ; adopté le 28 juin 1999.